

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Deputy Mayor for Operations and Infrastructure



October 30, 2023

The Honorable Charles Allen
Council of the District of Columbia
Chairperson, Committee on Transportation and the Environment
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20024

The Honorable Brianne K. Nadeau
Council of the District of Columbia
Chairperson, Committee on Public Works and Operations
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20024

Re: Pre-hearing Questions for the November 1st Traffic Bills Hearing

Dear Councilmembers Allen and Nadeau:

Thank you for the opportunity to provide you with information concerning the District of Columbia's traffic safety and traffic enforcement measures prior to the November 1st traffic bills hearing. Please find responses to the questions below. Should you desire additional information from me, please feel free to reach out to me at keith.anderson@dc.gov.

1. How many Form 3340s did the DMV receive in FY21, FY22, and FY23?
 - a. Please provide a breakdown of the bases on which the Form 3340 was issued (e.g., operating a vehicle under the influence of intoxicating liquor or drug; operating a vehicle while apparently physically or mentally unqualified to operate a vehicle; being under 21 years of age with any measurable amount of alcohol in the person's blood, urine or breath; or refusing to submit to two chemical tests as required by D.C. Code § 50–1904.02).

Response:

FY21	Total
Total # 3340s	435
Alcohol	217
Refusal (Complete) 2 boxes checked	155
Refusal (Incomplete) 1 box checked*	45
Physical/Mental Unqualified	0
Under 21	2
Form 3340 Incomplete *	16
Officer Submitted Late *	0
FY22	Total
Total # 3340s	510
Alcohol	250
Refusal (Completed) 2 boxes checked	189
Refusal (Incomplete) 1 box checked*	54
Physical/Mental Unqualified	0
Under 21	0
Form 3340 Incomplete *	7
Officer Submitted Late *	10

FY23	Total
Total # 3340s	515
Alcohol	186
Refusal (Completed) 2 boxes checked	172
Refusal (Incomplete) 1 box checked*	35
Physical/Mental Unqualified	3
Under 21	3
Form 3340 Incomplete *	18
Officer Submitted Late *	109

* 3340 submitted, but not processed by DMV; FY21 (61), FY22 (71) in FY23(162).

2. How many revocation or suspension hearings did the DMV conduct pursuant to a Form 3340 in FY21, FY22, and FY23?
 - a. Please provide a breakdown of the disposition for each revocation or suspension hearing (e.g., was the license revoked or suspended or not revoked or suspended).
 - b. For cases in which the license was not revoked or suspended, please provide a

reason why the license was not revoked or suspended (e.g., the arresting officer was absent, there were insufficient facts to establish a violation).

- c. Please describe the standard used by DMV to determine if a license should be revoked or suspended in response to Form 3340 (e.g., good cause, clear and convincing evidence, etc.).

Response:

Show Cause Hearings Pursuant to Form 3340	FY 2021	FY2022	FY 2023
Revoked	124	60	37
Issuing Office Absent (IOA) (No Action)	45	85	28
Officer not National Field Sobriety Test (NFST) certified (No Action)	0	2	3
No Action based on testimony did not establish impairment	3	6	4
3340 not submitted or not completely filled out (No Action)	1	1	4
DWI Nolle prosequi or no papered in Superior Court	2	4	0
Deferred Prosecution Agreement (No Action)	1	5	0
Scheduling Error (No Action)	1	0	0
Total	177	163	76

The standard to determine if a license should be revoked or suspended pursuant to the issuance of a 3340 is clear and convincing evidence.

- 3. How many records for DUI convictions has the DMV received in FY21, FY22, and FY23?
 - a. Please provide a breakdown of which state’s court issued the DUI conviction (e.g., the District, Maryland, or Virginia). If available, please also provide a breakdown by jurisdiction within each of Maryland and Virginia.

Response:

	FY21	FY22	FY23
DC	126	120	326
MD	40	124	83
VA	29	48	63
OTHER	4	18	22
TOTAL	199	310	494

- 4. How many times did the agency revoke or suspend a driver’s license or privilege to operate a motor vehicle in the District in FY21, FY22, and FY23 pursuant to D.C. Code § 50-2206.13(d-1)(1)?

Response:

FISCAL YEAR	FY21	FY22	FY23
	2	3	0

5. How many drivers are currently enrolled in the Ignition Interlock Program pursuant to D.C. Code § 50–2201.05a(b) or any other applicable law?

Response: 8

- a. Please provide a breakdown by the length of time the participants are required to be enrolled (e.g., a period of six months pursuant to D.C. Code § 50–2201.05a(b)(1), a period of one year pursuant to D.C. Code § 50–2201.05a(b)(2), a period of 2 years pursuant to D.C. Code § 50–2201.05a(b)(3), or a period of time determined by the Mayor pursuant to D.C. Code § 50–2201.05a(b-1)).

Response:

6 MONTHS	1 YEAR	2 YEARS
4	2	2

- b. Additionally, please provide a breakdown by residency and describe the method used for determining residency (e.g., driver’s license, vehicle registration, etc.).

Response: Only D.C. residents are eligible to participate in the D.C. IID Program and a D.C. Driver License, Learner Permit, or Identification Card is required.

6. When a driver enrolls in the ignition interlock program, does DMV or any other agency verify that the interlock has been properly installed? Is there ongoing monitoring of the interlock to ensure proper functioning?

Response: Yes, the IID Program Coordinator verifies that a device has been installed in all required vehicles by obtaining an installation receipt from the vendor. Participants are required to enroll all vehicles registered in their name and are required to install the ignition interlock device in every vehicle. Enrolled drivers are monitored on a monthly basis to ensure proper usage of the device and that the device is functioning properly.

7. How many District residents have been ordered to enroll in the ignition interlock program?

Response: Of the D.C. residents that requested a hearing on the 3340, 15 were ordered to enroll in the ignition interlock program. Of the D.C. residents that did not request a hearing on the 3340, 59 had 30 days from their arrest date to enroll in the ignition interlock program and did not. As a result of their failure to enroll in the program, their licenses have been revoked. DMV has identified an additional 335 District residents that are required to enroll in the program. Drivers are being notified of the requirement to enroll and are in various stages of the enrollment process.

- a. If a driver has been ordered to participate in the ignition interlock program but has not enrolled, what steps does DMV or any other agency take?

Response: D.C. DMV revokes the driver license and associated vehicle registration(s) indefinitely until the driver enrolls in the D.C. DMV IID Program.

8. What are the costs for participating in the Ignition Interlock Program?

Response: There is a \$50 application fee paid to the D.C. DMV at the time of enrollment. The customer is responsible for paying any installation and monthly monitoring fees to their chosen vendor during program duration. The installation and monitoring fees vary by vendor.

9. Please provide the number of notices for infractions issued for moving violations in FY21, FY22, and FY23 for the following speeds, broken down by ATE and in-person enforcement:

Response:

a. 5-10 mph over the speed limit;

Fiscal Year	ATE Tickets Issued	Minor Moving Tickets Issued	Total
2021	-	594	594
2022	-	541	541
2023	-	649	649
Total:	-	1,784	1,784

b. 11-15 mph over the speed limit;

Fiscal Year	ATE Tickets Issued	Minor Moving Tickets Issued	Total
2021	1,021,962	1,567	1,023,529
2022	901,809	710	902,519
2023	1,001,385	706	1,002,091
Total:	2,925,156	2,983	2,928,139

c. 15-20 mph over the speed limit;

Fiscal Year	ATE Tickets Issued	Minor Moving Tickets Issued	Total
2021	209,685	2,238	211,923
2022	178,048	1,503	179,551
2023	188,292	1,108	189,400
Grand Total:	576,025	4,849	580,874

d. 20-30 mph over the speed limit; and

Fiscal Year	ATE Tickets Issued	Minor Moving Tickets Issued	Total
2021	55,536	1,454	56,990
2022	51,636	1,121	52,757
2023	56,681	867	57,548
Grand Total:	163,853	3,442	167,295

e. 30+ mph over the speed limit.

D.C. DMV does not have adjudication authority over tickets issued for 30 mph in excess of the speed limit. This violation is aggravated reckless driving and is adjudicated by D.C. Superior Court.

10. Please provide the number of drivers or plates associated with outstanding fines and fees above the following thresholds related to moving violations, broken down by ATE and in-person enforcement:
- \$100,000;
 - \$50,000;
 - \$25,000;
 - \$10,000; and
 - \$5,000.

Response:
In-Person Moving Violations

Over Threshold	State	Number of Plates	Total Amount Due
\$25K	MD	1	\$29,329
	OTHER	1	\$26,424
Threshold:		2	\$55,753

\$10K	DC	7	\$98,545
	MD	5	\$61,265
	OTHER	1	\$13,258
Threshold:		13	\$173,068
\$5K	DC	66	\$407,172
	MD	35	\$225,342
	VA	23	\$147,372
	OTHER	3	\$31,557
Threshold:		127	\$811,443
Grand Total:		142	\$1,040,264

Automated Traffic Enforcement

Over Threshold	State	Number of Plates	Total Amount Due
\$100K	MD	1	\$186,600
Threshold:		1	\$186,600
\$50K	DC	6	\$307,507
	MD	18	\$943,230
	VA	17	\$986,610
	OTHER	1	\$53,280
Threshold:		42	\$2,290,627
\$25K	DC	54	\$1,422,033
	MD	139	\$4,253,263
	VA	156	\$4,603,690
	OTHER	25	\$684,320
Threshold:		374	\$10,963,306
\$10K	DC	869	\$9,008,235
	MD	2,402	\$28,591,704
	VA	1,954	\$22,086,888
	OTHER	269	\$2,952,487
Threshold:		5,494	\$62,639,314
\$5K	DC	2,695	\$12,906,498
	MD	10,430	\$57,519,763
	VA	6,704	\$34,063,510
	OTHER	1,264	\$6,454,638
Threshold:		21,093	\$110,944,409
Grand Total:		27,004	\$187,024,256

11. Please provide the current number of outstanding (i.e., unpaid) tickets or notices of infraction, broken down by plate state. If possible, please include outstanding tickets both issued through the ATE system and in-person enforcement.

a. What is the cumulative value of the outstanding tickets or notices of infraction?

Response:

Automated Traffic Enforcement

Jurisdiction	Ticket Count	Amount Due
DC	294,004	\$72,292,578
MD	1,760,365	\$479,526,276
VA	917,989	\$252,556,791
OTHER	440,114	\$117,466,279
Type Total:	3,412,472	\$921,841,925

In-Person Moving Violations

Jurisdiction	Total	Amount Due
DC	63,183	\$16,774,188
MD	62,937	\$16,187,266
VA	25,099	\$6,743,341
OTHER	40,515	\$9,326,917
Type Total:	191,734	\$49,031,711

12. Please list any District agencies that utilize automated license plate reader technology and describe how the technology works, or how any information obtained by automated license plate reader technology is used by each agency. Is data collected by one agency's license plate readers shared with all other relevant agencies?

Response: Currently, the Metropolitan Police Department (MPD) utilizes license plate readers (LPRs). LPRs are mounted on 34 MPD vehicles and on 30 fixed poles throughout the District. LPRs read license plates as they come into view and the file is run against the Washington Area Law Enforcement Systems (WALES) and the National Crime Information Center (NCIC). These checks may reveal stolen vehicles or wanted persons by setting off an LPR alert for MPD. LPR images receiving a positive hit or that become part of an active criminal investigation or litigation hold are retained for one year. Otherwise, all images captured by the technology are destroyed after 90 days. Access to the system is limited and requires justification or a Criminal Case Number (CCN) and searches can be audited.

In addition to MPD, the Department of Public Works (DPW) utilizes LPRs. DPW's LPR system alerts MPD directly if stolen vehicles or wanted persons are identified. If there is an alert, MPD would dispatch officers to the area in question and investigate.

13. Please describe the extent to which Metropolitan Police Department law enforcement officers cross-reference records to determine if a vehicle is eligible for immobilization pursuant to D.C. Code § 50–2201.03(k)(1) during routine traffic stops.
 - a. What actions does MPD take if a vehicle is eligible for immobilization during a routine traffic stop?

Response: During a routine traffic stop, MPD officers do not have access to information about a vehicle's eligibility for immobilization pursuant to D.C. Official Code § 502201.03(k)(1).

- b. Is there a system for communication between DPW and MPD to ensure that MPD officers have information about eligibility for immobilization? Are DPW records of immobilization- eligible vehicles available to MPD officers?

Response: MPD does not have direct access to DPW's immobilization eligibility system. These records are not otherwise available to MPD through any law enforcement databases. Officers may seek this information by using the public Online Ticket Payment system, which reveals the Notices of Infractions.

14. Please describe the extent to which DPW parking enforcement officers cross-reference records to determine if a vehicle being issued a parking ticket is eligible for immobilization pursuant to D.C. Code § 50–2201.03(k)(1).
 - a. What actions do parking enforcement officers take if a vehicle is eligible for immobilization while issuing that vehicle a parking ticket?

Response: A parking enforcement officer (PEO) handheld device will only show the dollar amount owed on the tag for unpaid tickets. It does not tell the officer if the vehicle is boot eligible. However, if a PEO comes across a vehicle tag with a high unpaid ticket dollar amount, the PEO will report the tag to his or her supervisor, who will confirm with our boot crews if the vehicle is boot eligible and who will deploy to the location of the vehicle.

15. Please describe the extent to which any other District employees cross-reference records to determine if a vehicle is eligible for immobilization pursuant to D.C. Code § 50–

2201.03(k)(1).

- a. What actions do other District employees take if a vehicle is eligible for immobilization?

Response: See response to Question #14.

- b. Is there a system for communication between DPW and other District agencies to ensure that those agencies have information about eligibility for immobilization? Are DPW records of immobilization-eligible vehicles available to other District agencies?

Response: DPW does not have a system of communications with other District agencies regarding immobilization-eligible vehicles, since DPW is the only agency that immobilizes vehicles. DPW records of immobilization-eligible vehicles are not available to other District agencies.

16. Please describe the agency's current capacity to boot and tow eligible vehicles.

- a. How many vehicles were booted pursuant to D.C. Code § 50-2201.03 in FY21, FY22, and FY23?

Response:

Fiscal Year	FY2021	FY2022	FY2023
# of Booted Vehicles	1,360*	9,341	6,699

- b. How many vehicles were towed pursuant to D.C. Code § 50-2201.03 in FY21, FY22, and FY23?

Response:

Fiscal Year	FY2021	FY2022	FY2023
# of Towed Vehicles	22,716*	36,371	39,328

**Note: These numbers were lower due to operations during the COVID-19 pandemic.*

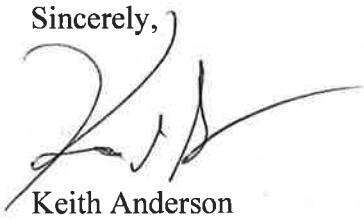
- c. How many staff are dedicated to booting and towing? How many "boot teams" are currently at DPW?

Response: PEMA currently has six booting teams with two booters per team (12 booters), one boot-release person and one boot-repairer, for a total of 14 booting staff. DPW also has 44 tow crane operators.

- 17. Has DDOT or any other agency discussed with current contractors the availability of automated traffic enforcement cameras that are capable of taking pictures that include the driver, as other states have for purposes of creating evidence of who was driving a car during an ATE infraction? If so, what did the agency or agencies learn?

Response: No, DDOT has not asked its current vendors about the availability automated traffic enforcement cameras to take pictures that include the driver. DDOT is focused on procuring and deploying the cameras that have already been budgeted in the FY 2024 budget. These cameras are designed to take images of the rear license plate, which is consistent with how we presently issue citations and the terms of the procurement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Anderson', with a long, sweeping horizontal stroke extending to the right.

Keith Anderson
Deputy Mayor for Operations and Infrastructure