

TESTIMONY ON BILL 2-195, THE "DISTRICT OF COLUMBIA TRAFFIC ADJUDICATION ACT", BEFORE THE COMMITTEE ON THE JUDICIARY AND THE COMMITTEE ON TRANSPORTATION AND ENVIRONMENTAL AFFAIRS DISTRICT OF COLUMBIA COUNCIL

NOVEMBER 18, 1977

PANEL MEMBERS

Harold H. Greene, Chief Judge  
District of Columbia Superior Court

John R. Risher, Jr., Corporation Counsel

Maurice Cullinane, Chief of Police  
Metropolitan Police Department

Douglas N. Schneider, Jr., Director  
Department of Transportation

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We are here today to support the Mayor's proposal for a comprehensive restructuring of the City's machinery for enforcement of parking and traffic regulations. We appear as a panel because this proposal was developed by the four agencies represented here: The Department of Transportation, the Metropolitan Police Department, the Corporation Counsel and the Superior Court.

In an April 1977 report entitled "Improved Parking and Traffic Enforcement in the District of Columbia," we described the dimensions of the illegal parking problem in the City and the harmful results of the extensive illegal parking that exists.

The report asserts that streets intended for movement of traffic are congested and wasted by illegal parkers. The commerce of the City is inhibited by congestion and illegal use of space which is intended to provide access to business and commercial establishments. Traffic congestion from illegal parking contributes unnecessarily to air and noise pollution. Double parking, parking too close to corners, in crosswalks, in front of fire hydrants, in zones protected for school children, and many more places, creates a serious impediment to safety. In short, illegal parking should not be indulged as a harmless game between the motorists and the enforcer. It should be recognized as a practice which imposes huge costs on society which can be largely mitigated through broader enforcement of parking regulations.

The proposal for more comprehensive enforcement is described in detail in the report. It consists of four main elements:

The first: Establishment of a corps of 50 civilian ticket writers who would devote full time to parking regulations enforcement. We estimate that these ticket writers would issue an additional one million parking citations a year.

These ticket writers primarily would patrol the downtown and residential permit parking zones, areas where enforcement is needed the most. I believe that as the residential parking program expands, it will place an increasingly heavy burden on the police, a burden that

the civilian ticket writers could share. As new permit parking areas are designated, it will be difficult for the police, by themselves, to maintain the present level of enforcement.

The second element is towing and impoundment. This operation would concentrate on clearing crucial traffic lanes of illegally parked vehicles and on removing cars that create a significant safety hazard such as blocking fire hydrants, clogging school zones or encroaching on crosswalks. Once a vehicle is towed it would be impounded until the violator pays a \$50 towing fee and storage costs. The towing service would impound several hundred cars a day and would be furnished by a private contractor.

Third, a booting unit would be established to catch parking scofflaws, those who accumulate tickets and then ignore them. At the beginning of 1977, almost 90,000 motorists had four or more outstanding parking tickets.

The fourth element is an administrative hearing process to replace traffic court.

Hearing officers would hear nearly all of the disputed parking and traffic violation cases that are now heard in the Traffic Branch of the District of Columbia Superior Court. We believe that parking and minor moving violations can, and properly should, be treated as civil wrongs and their adjudication need not involve the same process as pertains in a criminal matter. This is especially true with minor

moving violations where the emphasis should be on identifying unsafe drivers and, through rehabilitation, correct their poor driving habits or, in the case of habitual offenders, withdraw their driving privilege. Under our proposal, parking and non-jury demandable moving traffic offenses would be decriminalized and would no longer involve prosecutors and traffic court judges. Their time and energies would be freed to be applied to matters of relatively greater complexity and concern to the community.

At the same time, the system of administrative adjudication would be designed to protect the due process rights of individuals who appear to contest their tickets. The system would provide for rules of evidence and allow the right to counsel, subpoena of witnesses, cross examination, an administrative appeal, and would also provide for review by the courts. Moreover, because hearings would be made convenient for the public and would involve little waiting time, citizens who assert their innocence would have a better and more convenient opportunity to have disputed matters heard.

The April 1977 parking enforcement report does not provide the full details of our system of administrative adjudication, so I should like to describe now some of the goals of the new system and how we propose to operate it.

Some of the objectives of the new adjudication process are:

- to reduce the traffic caseload in the Superior Court and free judges and prosecutors for more important work.
- to create a reliable system that permits non-chronic offenders to pay a fine by mail or, if desired, to dispute or explain traffic tickets in a convenient forum.
- to identify the chronic offender and require him to appear at a hearing and submit to driver counseling.
- to make accurate and up-to-date driver histories available at hearings so that sanctions can be applied based on the facts of the case and on the driver history.
- to reduce the elapsed time from the violation to the imposition of sanctions.
- to provide consistency in the way cases are disposed of.

The legislation pending before the Committees would create a Bureau of Traffic Adjudication within the Department of Transportation which would be made up of two divisions--Processing and Adjudication. The Processing Division would handle all routine transactions such as receiving and logging in tickets, accepting payments, and entering information on the computer. The Central Violations Bureau, which currently performs these functions for the Superior Court, would be incorporated into the Department of Transportation and would form the nucleus of the Processing Division. The Adjudication Division would be responsible for the hearings and would be made up of a supervisory hearing examiner, six examiners who will hear cases, and support personnel.