



WASHINGTON AREA BICYCLIST ASSOCIATION

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March 18, 2016

Leif A. Dormsjo
Director
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

**Re: DDOT's L Street Protected Bike Lane Closure in Violation of the
Bicycle Safety Amendment Act of 2013**

Dear Director Dormjso:

Three years ago, the DC City Council unanimously passed the Bicycle Safety Amendment Act to prohibit the District Department of Transportation ("DDOT") from granting permits to developers to block sidewalks and bike lanes without providing safe accommodation to pedestrians and bicyclists.¹ Despite this law, DDOT recently granted a permit to Carr Properties, a developer that is demolishing the old Washington Post building at 1100 15th St. NW and constructing a new building on the property, to close the adjacent sidewalk and protected bike lane on L Street between 15th and 16th streets for at least 27 months. (This letter concerns only the closures during the future construction phase of the project, not the closures during the current 10 week demolition phase.) As a result of this permit, bicyclists riding in a protected bike lane will be forced to mix suddenly into a dangerous and fast-moving car lane without any safe accommodation.

This letter and accompanying diagrams explain why DDOT's granting of the permit violates the Bicycle Safety Amendment Act and DDOT's own regulations implementing the Act. This letter also offers three options for how DDOT could modify the permit to comply with the law without endangering bicyclists, pedestrians, or drivers, including two options that would not involve closing any more motor vehicle lanes than currently planned.

We understand that an ambitious construction project like the one contemplated at 1100 15th St. NW requires a certain amount of creative planning and flexibility on the part of DDOT and the developer. However, in the face of an unambiguous law that requires safe accommodation for the most vulnerable roadway users, and the existence of a number of alternative configurations that would comply with the law and protect the public, we respectfully submit that DDOT should not resolve these issues in favor of the developer and against the will of the legislature. **The developer's plans should yield to the requirements of the law, not the other way around.** Accordingly, we respectfully request that DDOT modify the permit to correct the violation, and we offer our assistance in finding appropriate accommodations.

¹ Bicycle Safety Amendment Act of 2013, L20-0049, § 3 (codified at D.C. Code § 10-1141.03(f)).

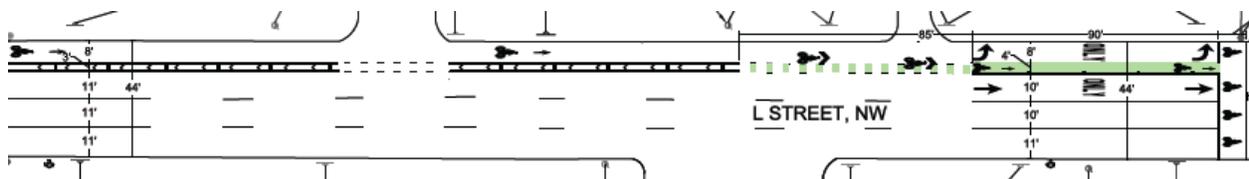
I. The L Street Protected Bike Lane Is a Key Part of the City's Transportation Infrastructure

L Street between 15th and 16th streets is an one-way, eastbound street that is designed to accommodate many modes of transportation. Before Carr Properties began the demolition phase of the 1100 15th St. NW project, the block contained the following travel lanes, listed here from the northern edge of the roadway to the southern edge:

- Northern sidewalk
- 11 foot protected bike lane, including a buffer zone and plastic bollards separating bicyclists from motor vehicle traffic
- 11 foot motor vehicle lane
- 11 foot motor vehicle lane
- 11 foot motor vehicle lane (used for automobile parking)
- Southern sidewalk

The baseline arrangement is depicted in the following image:²

L Street NW Between 16th St. and 15th St. NW Prior to Demolition Phase



This block is part of a 1.4 mile stretch of L Street from Pennsylvania Avenue NW to Massachusetts Avenue NW that contains a protected bike lane. Because of the physical separation and protection from traffic in the adjacent motor vehicle lane, riding in the protected bike lane inspires significantly less fear of being struck by an automobile than riding in a motor vehicle lane or unprotected bike lane. DDOT has observed that the L Street protected bike lane demonstrates that “separating bicycles from car traffic with a physical barrier makes people feel safer about riding a bicycle, leading to significant increases in bicycling.”³ Following completion of the protected bike lane in 2013, bike ridership on L Street exploded, increasing 65 percent within the protected bike lane’s first year of installation.⁴ This is a remarkable figure considering that the westbound M Street protected bike lane had not yet been completed.

² Lane widths change near the 15th Street intersection to allow drivers turning left to enter the protected bike lane.

³ District Department of Transportation, [M St, NW, Protected Bike Lane Fact Sheet](#) (May 2014).

⁴ National Institute for Transportation and Communities, [Lessons from the Green Lanes: Evaluating Protected Bike Lanes in the U.S.](#), NITC-RR-583, at 62 (June 2014).

The L Street protected bike lane —particularly in the 1500 block —is an especially important piece of infrastructure because it intersects with the 15th Street north-south protected bike lane, which is itself connected to the westbound M Street protected bike lane, forming the “most bike-friendly corner” of the city.⁵ Together, these three protected bike lanes allow ordinary people to bike for transportation in any direction downtown *and make return trips*. Without a safe L Street protected bike lane, the utility of the M Street protected bike lane would be greatly diminished. As Councilmember Jack Evans, the representative of Ward 2 in which the L Street protected bike lane sits, has said, “we need a complete system” of bike lanes downtown, and it would be “crazy” to have to ride crosstown on streets like L and M without any good bicycle facility option in the vicinity.⁶

Councilmember Evans’s statements reflect the well-established principle that a bike lane network is only as robust as its weakest link: “the stress of a route is determined by its most stressful link, and not by the sum or average of the stress on its constituent links. If people will not use links whose stress exceeds their tolerance, several low-stress links cannot compensate for one high stress link.”⁷ Ordinary people will not use a bike lane that disappears when it is needed most on a busy street.

The L Street protected bike lane is the only eastbound bike lane of *any* type in the traffic-clogged western part of downtown DC.⁸ The nearest parallel eastbound bike lanes or paths are more than half a mile in either direction from L Street. If any part of the L Street protected bike lane were compromised, there would simply be no safe and direct way to ride a bike from Foggy Bottom, the West End, or Georgetown to the eastern part of downtown. For thousands of city residents, there would be no safe way to ride a bike to or from work. Crashes would increase, bike ridership in *all* directions downtown would decrease, motor vehicle trips would increase, and many of the Mayor’s stated traffic safety goals would be undermined.⁹

II. DDOT Granted an Extraordinary Permit to Carr Properties to Close the Protected Bike Lane and Northern Sidewalk of L Street Between 15th Street NW and 16th Street NW For At Least Twenty Seven Months

We understand that Carr Properties, a local developer, approached DDOT months ago with plans to demolish the old Washington Post building on 1100 15th St. NW and construct a new building in its place, spanning the entire city block between 16th and 15th streets and L and M streets. Broadly speaking, the developer’s project is split into two phases: a demolition phase that is expected to end in April 2016, and a construction phase that will last for more than two years thereafter.

During the construction phase, Carr Properties’ plans call for expanding the project site well beyond the borders of the developer’s own plot and into public space. The developer’s plot

⁵ Greater Greater Washington, [DC’s Most Bike-Friendly Corner: 15th and L](#) (Oct. 9, 2014).

⁶ Greater Greater Washington, [Evans Discovers Joy of Cycletracks on Ward 2 Bike Ride](#) (July 15, 2011).

⁷ Mineta Transportation Institute, [Low-Stress Bicycling and Network Connectivity](#), at 7 (May 2012).

⁸ The L Street protected bike lane is also the only eastbound protected bike lane in the entire city.

⁹ See Mayor Bowser’s [Vision Zero Action Plan](#).

contains or abuts subterranean vaults on the southern side that make it challenging for the developer to find space for loading trucks on the perimeter of its land. Squeezed for space on its own land, the developer nevertheless chose to pursue a project plan that calls for *two* truck loading lanes within the project site, requiring —under the developer’s own timeline, that is — the use of even more public space than would otherwise be the case.¹⁰

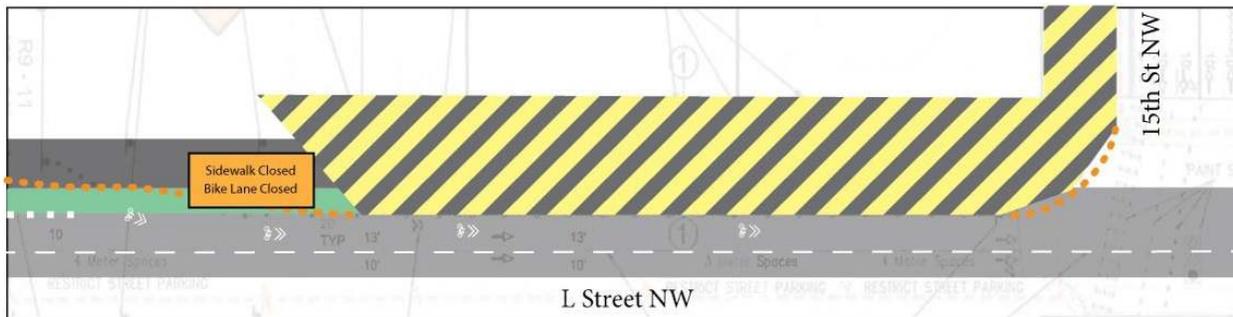
Rather than force the developer to find more space within the site or adjust its timeline accordingly, DDOT approved a traffic control plan that ratifies the unnecessary encroachment of public space. The plan calls for the closures of the protected bike lane and northern sidewalk of L Street between 15th and 16th streets during the construction phase, which will last for at least 27 months, and longer if the project runs behind schedule.

During the construction phase, the publicly accessible portions of L Street will consist of the following travel lanes, listed here from the northern edge of the roadway to the southern edge:

- 13 foot motor vehicle lane (with stenciled paint indicating the lane is to be shared with bicyclists, so-called “sharrows”)
- 11 foot motor vehicle lane (no longer used for automobile parking)
- Southern sidewalk

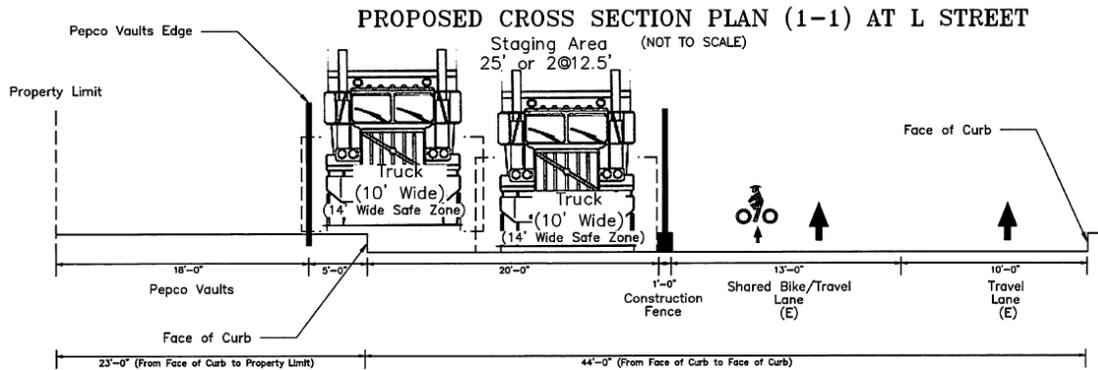
The arrangement is depicted in the following images:

Traffic Control Plan for L Street NW Between 16th St. and 15th St. NW During Construction Phase



¹⁰ The two truck lanes on L Street are in addition to two truck lanes on 15th Street.

Cross-Section of Traffic Control Plan



Automobile traffic will largely be unaffected, as two motor vehicle travel lanes will remain.¹¹ The protected bike lane and northern sidewalk, on the other hand, will be eliminated. Pedestrians will be routed to the southern sidewalk. Bicyclists passing through the 16th Street intersection with a green light will be forced to merge suddenly from a protected bike lane into fast-moving car traffic. There will be no sidewalk on the north side of the street that would allow less confident bicyclists to walk their bikes for a block to avoid car traffic. For bicyclists fortunate enough to hit a red light at 16th Street, the traffic signal's leading pedestrian interval will be extended from 3 to 5 seconds, giving them a brief window to enter the 13 foot motor vehicle lane before accelerating cars catch up to them mid-block.

III. The Bicycle Safety Amendment Act Prohibits Protected Bike Lane and Sidewalk Closures Without Safe Accommodation

The City Council anticipated the problems that would ensue if the city's bike lanes were made unsafe because of construction like the 1100 15th St. NW project. After repeated bike lane and sidewalk closures, the Council grew concerned that DDOT's regulations showed "limited recognition of the danger to pedestrians and bicyclists posed by public space activities that block sidewalks or bicycle paths. When public space permittees block these avenues of travel, both bicyclists and pedestrians must pursue other routes that present unnecessary exposure to vehicular collisions."¹²

To ensure DDOT would no longer issue permits that allow for the closures of sidewalks and bike lanes without providing safe alternatives, the Council unanimously passed the Bicycle Safety Amendment Act in 2013. The Act provides, among other things, that "The Mayor shall require

¹¹ Left-hand turns by automobiles onto 15th Street have been banned as part of the demolition phase, and will continue to be banned throughout the construction phase. We note that as DDOT representatives acknowledged in the first public meeting about the project on March 10, 2016, drivers are ignoring the ban.

¹² Council of the District of Columbia, [Committee Report of the Committee on Transportation and the Environment on Bill 20-140, the "Bicycle Safety and Amendment Act of 2013"](#), at 4 (July 2, 2013).

permittees blocking a sidewalk, bicycle lane, or other pedestrian or bicycle path to provide a safe accommodation for pedestrians and bicyclists.”¹³ DDOT testified in favor of the legislation.¹⁴

The following year, DDOT proposed and finalized regulations implementing the Act.¹⁵ DDOT’s regulations define a safe accommodation for bicyclists in three ways. First, the regulations define the term “safe accommodation” as a “safe and convenient route for pedestrians and bicyclists that ensures an accommodation through or around a work zone that is *equal to* the accommodation that was provided to pedestrians and bicyclists before the blockage of the sidewalk, bicycle lane, or other public bicycle path.”¹⁶ Second, the regulations state that the routing for a safe accommodation for bicyclists “*shall replicate the safety level of the existing bicycle route*, such as by providing:

- (1) A route that is physically separated from motor vehicle traffic if a protected bicycle lane is blocked or providing a route that is for the exclusive use by bicyclists if a bicycle lane is blocked whenever feasible;
- (2) A route which is free of obstructions and surface hazards, such as construction equipment, construction materials, debris, holes, mud, loose gravel, milled surfaces and uneven pavement; and
- (3) A route that does not share a covered or open walkway with pedestrians.”¹⁷

Finally, the regulations state that a safe accommodation to bicyclists must be provided by prioritizing the following methods, in order from highest priority to lowest priority:

- (1) Closing a parking lane and keeping the adjacent bicycle lane open;
- (2) Shifting the bicycle lane to a location on the same roadway to by-pass the work zone, and if necessary, shifting and narrowing the adjacent motor vehicle traffic lanes; provided the adjacent motor vehicle travel lanes shall be maintained at no less than ten feet (10 ft.) wide;
- (3) Closing the adjacent motor vehicle travel lane to provide space for a bicycle lane; provided that a minimum of one (1) motor vehicle travel lane shall remain in the same direction of travel;
- (4) Merging the bicycle lane and the adjacent motor vehicle travel lane into a shared travel lane adjacent to the work zone, installing sharrow lane markings in the shared travel lane and installing work zone signage directing bicyclists to merge into the shared travel lane; provided the shared travel lane shall be maintained at no less than thirteen feet (13 ft.) wide; and

¹³ Bicycle Safety Amendment Act of 2013, L20-0049, § 3 (codified at D.C. Code § 10-1141.03(f)).

¹⁴ Committee Report, *supra* note 12, at 5.

¹⁵ The Act allows DDOT to define “safe accommodation” by regulation but requires DDOT’s definition to “ensure the safe and expedient passage of pedestrians and bicyclists.” D.C. Code § 10-1141.04(6).

¹⁶ 24 D.C.M.R. § 3315.3 (emphasis added).

¹⁷ 24 D.C.M.R. § 3315.4(c) (emphasis added).

- (5) As a last resort, detouring bicyclists onto an adjacent roadway, in which case the detour route shall replicate, as closely as practicable, the level of safety found on the bicycle route being blocked.¹⁸

Collectively, DDOT's regulations provide a clear and comprehensive scheme that must be followed when DDOT considers a permit application for a developer to close a bike lane: the developer's plan must provide an accommodation that is "equal to" the closed lane, the accommodation must "replicate the safety level of" the closed lane, and DDOT must select the highest priority option for a safe accommodation that is possible under the terms of the regulations.¹⁹

IV. DDOT's Closure of the L Street Protected Bike Lane and Sidewalk Between 15th Street and 16th Street Violates the Bicycle Safety Amendment Act and DDOT's Regulations By Failing to Provide Safe Accommodation

The DC City Council believed the Act and its implementing regulations would cover permit applications just like the one Carr Properties submitted for the 1500 block of L Street NW. And, when issuing proposed regulations implementing the Act—which were substantively identical to the final regulations—DDOT assured the public and the City Council that under the regulations, "if a work zone blocks a protected cycletrack a bike lane that is physically separated from motor vehicle traffic must be provided for cyclists using the affected area."²⁰

Yet, DDOT approved a traffic control plan for the construction phase of Carr Properties' project that violates the Act and DDOT's regulations in three ways. First, a 13 foot motor vehicle lane with no dedicated space for bicyclists is in no sense "equal to" the protected bike lane that existed before the demolition. The large increase in ridership on L Street when the protected bike lane was completed is clear evidence that a protected bike lane is superior to a motor vehicle lane for bicycling on L Street.²¹

Second, the 13 foot motor vehicle lane will not "replicate the safety level of" the protected bike lane. A recent civil engineering study in Chicago confirms what any person who has ridden a bicycle in a city already knows: motor vehicle lanes with sharrows are less safe than roads with bike lanes.²² A street with automobile traffic moving as quickly as on L Street is a particularly unsafe place for sharrows. As noted above, bicyclists on L Street passing through the 16th Street intersection during a green light phase will be forced to merge from a protected bike lane into this automobile traffic. The sudden merger of lanes is unsafe for bicyclists *and drivers*, who

¹⁸ 24 D.C.M.R. § 3315.4(d).

¹⁹ In the March 10, 2016 public meeting, representatives of DDOT stated that the law requires a "multi-factor analysis" and that sharrows could be used in this case as a "last resort." The statute and regulations contain no such multi-factor test. And the regulations are clear that the methods of safe accommodation are sequential; the "last resort" is the *fifth* method on the list (which has nothing to do with sharrows), and can only be used if the first four methods are inapplicable by their terms.

²⁰ District Department of Transportation, [DDOT Releases Proposed Rules Requiring Safe Routes for Pedestrians and Bicyclists Near Work Zones](#) (Aug. 18, 2014).

²¹ See supra note 4 and accompanying text.

²² See Nick Ferenchak & Wesley Marshall, [Relative \(In\)Effectiveness of Bicycle Sharrows on Ridership and Safety Outcomes](#) (Aug. 1, 2015). In fact, this study suggests sharrows may even be less safe than roads with no bicycle markings at all.

may not see or expect bicyclists to emerge from their left. At a red light phase, bicyclists on L Street will be given a short head start through the 16th Street intersection, but will not be able to clear the block before cars catch up to them. Bicyclists generally travel more slowly on open road than drivers, meaning that in either traffic signal phase, drivers may be forced to decelerate quickly or swerve into the adjoining lane to avoid crashing into bicyclists who pedal in front of them. Inattentive or reckless drivers could easily crash into bicyclists.

DDOT's plan seems to be predicated on a startling number of assumptions of perfect human behavior: that drivers will allow bicyclists to merge into their lane; that drivers will proceed slowly and cautiously behind bicyclists for a block or safely pass them in the adjoining lane; that pedestrians will not take the most direct route to their destination notwithstanding signs routing them elsewhere; and that bicyclists will be confident and skilled enough to navigate one of the busiest corridors of the city without dedicated space. An expectation that all drivers, pedestrians, and bicyclists will navigate this obstacle safely is unrealistic and flies in the face of the fundamental principle of Vision Zero: that human error should be *assumed* and that its effects should be minimized through road design.

Third, DDOT did not follow the regulations' mandatory priority scheme when it selected a method of safe accommodation. Before it may adopt the fourth method on the regulations' priority list, DDOT must adopt the third method on the list unless it would be impossible to do so under the terms of the regulations. That is, before closing a bike lane and adopting a 13 foot motor vehicle lane with sharrows, DDOT is required to close the adjacent motor vehicle travel lane to provide space for a bicycle lane so long as one motor vehicle travel lane remains in the same direction of travel. DDOT's current traffic control plan for L Street during the construction phase would leave two motor vehicle travel lanes in place, meaning there would still be capacity under the regulations for one more motor vehicle lane to be closed.

We note that the statute and regulations include no exception for expediting a developer's construction. They also include no exception for accommodating structural issues that a developer might encounter on its own land, like the vaults underneath the Carr Properties project site. Finally, they include no exception for streets thought to be too important to motor vehicle travel for drivers to be inconvenienced. (As important as L Street may seem for drivers, who have a number of options to travel eastward from the western part of downtown, it is more important for bicyclists, who have no other safe options.) To the contrary, the statute specifically states that it applies to "all permittees."²³ DDOT and the developer must find a way to comply with the law, not stretch the law to accommodate the developer's challenges and expose the public to risk in the process. The law would have little force if it could be set aside in the circumstances where it is needed most, like this project. Indeed, one wonders whether the law made any meaningful difference in this case, beyond the bare stenciling of sharrows on a motor vehicle lane.

²³ D.C. Code § 10-1141.04(7).

V. The Permit Can Be Modified In At Least Three Ways to Comply with the Law and Protect Vulnerable Roadway Users

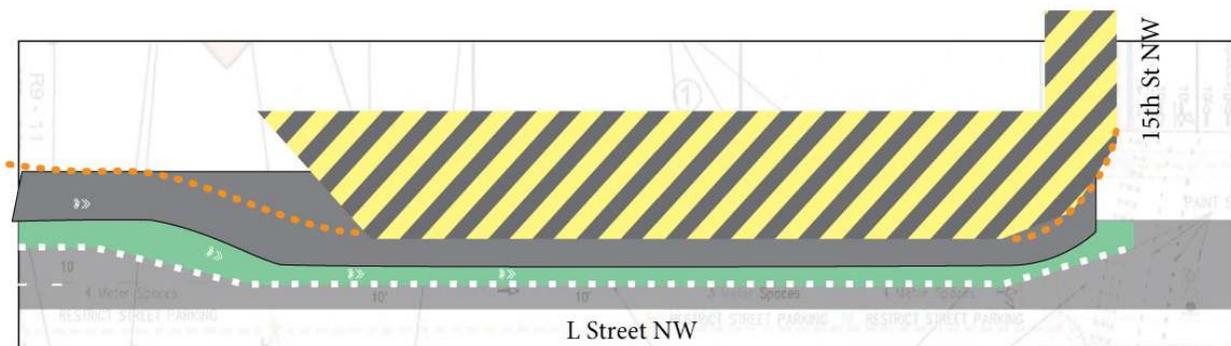
DDOT has the full authority and discretion under the law to modify Carr Properties' permit to comply with the law.²⁴ Preliminarily, we have three suggestions for how the traffic control plan could be modified.

A. Option 1: Installation of Temporary Sidewalk and Temporary Protected Bike Lane with Closure of One Car Lane

First, a temporary sidewalk and a temporary protected bike lane could be installed, and a lane of motor vehicle travel removed. Bicyclists and pedestrians would have safe accommodations that would be "equal to" and that would "replicate the safety of" their accommodations before the construction. All modes of transportation would be accommodated and physically separated. Drivers could still drive down the street and, in an improvement from the current plan for the construction phase, would not have the prospect of hitting a merging bicyclist. Any excess motor vehicle traffic would naturally move to any of the nearby eastbound streets: K Street, H Street, Pennsylvania and New York Avenues, or N Street. And the developer could still use double truck loading lanes within the project site, if DDOT still wished to accommodate that request.

The arrangement is depicted in the following image:

Option 1 - Installation of Temporary Sidewalk and Protected Bike Lane with Closure of One Car Lane



B. Option 2: Reclamation of Public Space to Provide a Sidewalk and a Protected Bike Lane With No Further Closures of Car Lanes

Second, the developer's permit could be conditioned on the developer finding a small amount of space within the currently envisioned boundaries of the project site to accommodate pedestrians and bicyclists. We note that if DDOT narrowed the proposed 13 foot motor vehicle lane to 10

²⁴ See D.C. Code § 10-1141.03(c) ("The Mayor may revoke any permit issued pursuant to this subchapter at any time"); 24 D.C.M.R. § 3315.8 ("The Director may revoke a public right-of-way occupancy permit authorizing the blockage of a sidewalk, bicycle lane, or other pedestrian or bicycle path for any of the following reasons: (a) The permittee fails to comply with a provision of Subsections 3315.1 through 3315.7 above; (b) The permittee does not comply with the traffic management plan approved by the Director; (c) To protect the public safety and welfare; or (d) Any other reason authorized by law.").

feet, only 4 more feet would be required to build a temporary 7 foot wide or buffered bike lane.²⁵ Any incremental space that could be found within the project site beyond those 4 feet would be used to build a temporary sidewalk. This option would preserve two lanes of automobile traffic, a protected bike lane, and a sidewalk. All modes of transportation would be accommodated and physically separated.

The arrangement is depicted in the following image:

Option 2 - Reclamation of Public Space to Provide Sidewalk and Protected Bike Lane With No Further Closures of Car Lanes



C. Option 3 - Reclamation of Public Space to Provide a Protected Bike Lane With No Further Closures of Car Lanes

Third, DDOT could require the developer to find only 4 feet within the project site to accommodate bicyclists but not pedestrians. The result would be similar to Option 2 above, but without a sidewalk. Option 3 is not our preferred approach because arguably it does not provide a safe accommodation to *pedestrians* under DDOT’s regulations. In a February 18, 2016 letter to DDOT, City Council Chairman Phil Mendelson concluded that a similar arrangement on 15th and L streets during the demolition phase violated the regulations. Moreover, our experience is that when sidewalks are closed, pedestrians naturally tend to walk in bike lanes rather than crossing the street, which creates conflict and some safety concerns. Chairman Mendelson noted this phenomenon in his letter, writing that “[t]he lack of pedestrian accommodations [on 15th Street and L Street during the demolition phase] forces those on foot to walk in the cycletrack. The situation is not ideal for either bicyclists or pedestrians.” At the same time, however, this option would be a modest improvement over the current traffic plan for the construction phase, which accommodates neither bicyclists nor pedestrians.²⁶

The arrangement is depicted in the following image:

²⁵ Only 2 feet would be required to build a 5 foot unprotected bike lane, which would be inferior to a protected bike lane but a vast improvement over the current plan for the construction phase.

²⁶ While they would not bring the plan in compliance with the Act, we note that DDOT could have taken a number of additional steps within the current plan to create safer conditions, including: reducing the speed limit on the affected block (with automated enforcement); installing raised pedestrian crosswalks on both sides of the 16th Street intersection to force drivers on L Street to slow down; and installing a temporary protected bike lane on 16th Street and a contraflow bike lane on M Street to provide a safe detour for bicyclists.

Option 3 - Reclamation of Public Space to Provide Protected Bike Lane With No Further Closures of Car Lanes



VI. WABA Stands Ready to Help DDOT Find Appropriate Modifications

We appreciate your prompt reconsideration of the traffic control plan for L Street between 15th and 16th streets as it is currently contemplated, and we offer our assistance in correcting the deficiencies. We also hope DDOT will improve its processes for making decisions on future permit applications that would involve bike lane and sidewalk closures. We note, for instance, that while DDOT has developed a guideline for accommodating bicyclists during bike lane closures by using temporary protected bike lanes²⁷ (which was not followed in this case), DDOT has not updated its Pedestrian Safety and Work Zone Standards or Construction Management manuals to reflect its guideline or the Bicycle Safety Amendment Act.²⁸ In addition, we hope that DDOT will work more closely with the bicyclist and pedestrian advocacy communities before closing key infrastructure when a similar project is proposed in the future. We stand ready, as always, to provide our advice and viewpoints on best practices that will safely accommodate all modes of transportation.

* * *

²⁷ See District Department of Transportation, [Standards and Guidelines, Section 600 \(605\)](#) (Aug. 2015).

²⁸ See District Department of Transportation, [Pedestrian Safety and Work Zone Standards: Covered and Open Walkways Manual](#) (Dec. 14, 2007); District Department of Transportation, [Construction Management Manual](#) (May 2010).

DDOT Director Leif A. Dormsjo
March 18, 2016

If you have any questions, please contact me (greg@waba.org or (202) 518-0524, ext. 205) or WABA's Advocacy Director Tamara Evans (tamara.evans@waba.org or (202) 518-0524, ext. 212).

Sincerely,



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