

Jackie Henderson

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11-14-15

From: jimandcarey48@comcast.net
Sent: Friday, November 13, 2015 11:53 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #84430: Mayor, Vice Mayor, City Council Mayor, Vice Mayor and Members of City Co

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 84430.

Request Details:

- Name: James Durham
- Approximate Address: No Address Specified
- Phone Number: 703-508-0762
- Email: jimandcarey48@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Mayor, Vice Mayor and Members of City Council,
I am writing as Chair of the Alexandria Bicycle and Pedestrian Advisory Committee to request that you ask the City's legislative delegation to support legislation that would improve safety and justice for people who walk and bike as described in the attached letter and summarized below.

We seek support for two specific safety initiatives, if introduced for the 2016 General Assembly legislative session.

- (1) Legislation to require drivers of motor vehicles to exercise "due care" to avoid colliding with pedestrians and persons propelling human-powered vehicles, even when the driver has the right of way.
- (2) Legislation to require a person opening a vehicle door to ensure that it is reasonably safe to open the door and that opening the door will not interfere with moving traffic.

The attached letter provides justification, legislative history and expectations for sponsorship for the 2016 legislative session.

These initiatives are needed to help Alexandria achieve City transportation goals of making Alexandria safe to walk and bike.

Thanks so much!
Jim Durham
Chair, Alexandria Bicycle and Pedestrian Advisory Committee

- Attachment: [2016 Legislative Items v2.pdf](#)
- Expected Response Date: Friday, November 20

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

November 13, 2015

Mayor, Vice Mayor and Council Members,

I am writing as Chair of Alexandria's Bicycle and Pedestrian Advisory Committee to request that you ask the City's legislative delegation to support legislation that should reduce the risk of injuries to people who walk and bike and that would help improve justice for more vulnerable road users who may be injured or killed. Specifically,

- (1) Legislation to require drivers of motor vehicles to exercise "due care" to avoid colliding with pedestrians and persons propelling human-powered vehicles, even when the driver has the right of way.
- (2) Legislation to require a person opening a vehicle door to ensure that it is reasonably safe to open the door and that opening the door will not interfere with moving traffic.

A "due care" requirement should reduce the numbers of fatalities and serious injuries to people who walk and bike by helping to educate motorists that they have a legal duty to avoid colliding people walking or biking whenever feasible.

"Dooring" legislation would put responsibility for opening vehicle doors on the person opening the door, rather than the people passing their vehicle. It would provide a clear incentive for people to look for oncoming traffic – whether bikes, cars, or pedestrians – before opening their door.

Similar provisions have been enacted in 46 states and more than 40 states, for these two measures, respectively.

More complete justification, Virginia legislative history and our expectations for 2016 Virginia Legislative session sponsorship are provided in attachments to this letter.

We request that you ask the City's legislative delegation to support legislation as described herein to improve safety for our more vulnerable road users.

Sincerely,



Jim Durham
Chair, Alexandria Bicycle and Pedestrian Advisory Committee

Attachments:

- (1) "Due Care" Legislation
- (2) "Dooring Legislation"

“Due Care” Legislation

Proposal: Support legislation to require drivers of motor vehicles to exercise “due care” to avoid colliding with pedestrians and persons propelling human-powered vehicles, even when the driver has the right of way.

If enacted, this “due care” requirement should reduce the numbers of fatalities and serious injuries to people who walk and bike by helping to educate motorists that they have a legal duty to avoid colliding with people walking or biking whenever feasible. This bill would also help improve justice for people who walk and bike who are injured or killed by a driver who could have avoided the collision if he or she had devoted full time and attention to the task of driving.

A 2007 Virginia Transportation Research Council Study (VTRC)¹ noted: *“Although both drivers and pedestrians have a common law duty to use due care, [209] the provision as a whole would be strengthened by a statutorily enumerated duty to use due care. When assessing liability, a “due care” provision makes it clear that a driver cannot avoid liability simply because he or she had the right of way.”* The report also noted that Virginia was one of only four states (along with Massachusetts, South Dakota and Wisconsin) to not have a “Due Care” provision.

Delegate Alfonso Lopez (D) (Southern Arlington, and Eastern Fairfax) introduced a Due Care Bill (HB 874) in the 2012 legislative session. The bill was passed by indefinitely by a House Transportation sub-committee 4-3. Pedestrian and cyclists safety advocates are seeking a sponsor for “due care” legislation for the 2016 legislative session.

Request that the City ask its legislative delegation to support such legislation if offered in the 2016 Session.

¹The VTRC has since been renamed the Virginia Center for Transportation Innovation and Research).

“Dooring Legislation”

Proposal: Support legislation to require a person opening a vehicle door to ensure that it is reasonably safe to open the door and that opening the door will not interfere with moving traffic.

If enacted, this legislation would put responsibility for opening vehicle doors on the person opening the door, rather than the people passing their vehicle. It would provide a clear incentive for people to look for oncoming traffic – whether bikes, cars, or pedestrians – before opening their door.

Data collected by Virginia's DMV indicates that 65 individuals were injured (13 were bicyclists) in 209 crashes from 2010-2014 that involved persons in vehicles who opened or kept the vehicle door open and the passing vehicle struck the car door. The presence of this law and the associated education campaign would help reduce if not eliminate this source of injuries. Without this type of law, bicyclists and other people in traffic have to show that they could not avoid an opening or opened door in order to recover for injuries caused by the open door. The District of Columbia and forty or more states, including Maryland, have a law that prohibits this behavior.

Senator J. Chapman Petersen (D) (Fairfax City, parts of Fairfax County) introduced a Dooring Bill (SB 882) in the 2015 legislative session. The bill passed the Senate 27-12, with strong support in Northern Virginia. It failed in a House Transportation sub-committee 3-4. Delegate Bill R. DeSteph, Jr, (R) (Virginia Beach) has indicated interest in introducing similar legislation in the 2016 session.

Request that the City ask its legislative delegation to support such legislation if offered in the 2016 Session.