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Feb. 15, 2023

Oversight testimony: Department of Public Works and Department of For-Hire Vehicles

Good morning. My name is Alex Baca and I am testifying on behalf of Greater Greater Washington, where I serve as D.C. policy director.

Congratulations, Councilmember Nadeau, on your chairship of the Committee on Operations and Public Works. GGWash looks forward to your leadership on issues that are really the guts of government, like contracting, procurement, and risk management; is pleased to see the Department of For-Hire Vehicles in a more topical committee; and wishes you the best of luck in making the Department of Public Works an efficient and effective agency. I will use my time today to testify on both DPW and DFHV.

DFHV

To protect consumers, passengers, and the public, DFHV must be allowed to treat the for-hire industry as a whole. We would like DFHV to have regulatory power over transportation network companies.

We would also like the District to get out ahead of any attempts by Transportation Network Companies to mandate that their drivers be deemed independent contractors, not employees, as Uber, Lyft, and DoorDash did in [2020 in California](#). While Washington state's [bill of TNC driver's rights](#) models some legitimate protections (minimum per mile, per minute, and per trip rates for drivers; the right to paid sick time; the right to workers' compensation; protection from companies retaliating against a driver who exercised their rights under the law), but "essentially codif[ies] the status of drivers for TNCs as independent contractors rather than employees" [by including in the legislation](#) "a list of factors for determining whether a driver will be declared to be a TNC's employee."

DPW

We haven't been particularly enthused by DPW's performance in previous years; please see my previous testimony in support of [the Booting and Impoundment Reform Amendment Act of 2022](#); [for a roundtable on, like, DPW, generally](#); [for a roundtable on automated enforcement](#); and [my FY22 performance oversight testimony for DPW](#), which included reference my magnum opus, [a spreadsheet tracking fake and expired temporary tags](#).¹

We'd like the committee to ensure the agency succeeds in the following specific areas:

¹ I stopped updating this spreadsheet after February 2022, because the responses to the 311 requests that I filed for cars with fake and expired tags were too depressing.

- Booting and towing: We are cognizant that many of the ways in which scofflaw drivers—such as those who are driving with fake and expired temp tags and those who have many outstanding tickets for speeding—might face consequences for their actions have been scaled back. For our part, we had serious reservations² about the Clean

² On July 11, 2022, I sent the following to the council, supporting an amendment introduced by Councilmembers Allen, Cheh, Henderson, and Nadeau that would have exempted drivers who had repeatedly received tickets for certain severe driving infractions, such as speeding or running a red light. I'm including it here because I did not submit this for any hearing record and feel that it most accurately reflects GGWash's ethos on enforcement.

Hi councilmembers,

I am writing to support your consideration of the amendment to the Clean Hands Equity Amendment Act at tomorrow's final reading and vote.

Greater Greater Washington has intentionally not participated in the process for this legislation. We were not invited to be a part of the coalition that proposed it, advocated for it, and lobbied for its passage, despite our continued work on preventing drivers from causing fatal and injurious crashes in the District. While we respect Tzedek's choice not to involve us, we do disagree with the contents of this bill and feel that while it is well-intentioned, its effect—exempting a pool of drivers wide enough that it includes those who have repeatedly racked up moving violations, under the guise of racial and economic equity—comes with consequences that Tzedek and its partner groups have not been willing to discuss.

However, we did not submit testimony for the record because we are all too aware that GGWash and its policy entreats are often coded as white in such conversations. I sensed that us speaking up on this before markup risked derailing the conversation in an unproductive fashion, so we have held our fire for issues more commonly identified as in our wheelhouse, such as supporting the slate of traffic-safety bills that we worked on with councilmembers Cheh, Lewis George, and Nadeau to introduce over the past year.

We have been so glad to see so many of you say over the past year, on the dais, in public, and in meetings with us, that you don't want to see another driver kill another person in the District, whether they are a resident or a visitor. But I did want to reach out because what's most important to us is that you begin to wrangle with the contradictions of dropping the consequences of fines and fees—a good thing, as no one should be bankrupted because of a traffic infraction, even a moving violation—if you are also saying that preventing drivers from killing people with their cars is important.

Allowing those who have clearly demonstrated their disregard for people who are outside of their cars to work for the District or be granted a driver's license may seem reasonable when considered solely from an economic justice standpoint. But the conversation about traffic safety doesn't actually start or end there. The amendment proposed by councilmembers Allen, Cheh, Henderson, and Nadeau at least forces a conversation about how the bill as written is hypocritical to the progress we have made together to identify the risks that proven dangerous drivers pose.

I realize it is not likely that this amendment passes. I know that nearly all councilmembers have been threatened with a penalizing score from certain groups should you vote for any amendments that might "weaken" the initial legislation; GGWash had never employed such a tactic, but we must admit that it's effective. However, I don't think it's appropriate to address something this complex and fraught through a blanket amendment to the initial Clean Hands law, and I hope you'll take the limitations of doing so into consideration as you prepare not only your thoughts and remarks for tomorrow's vote, but your future legislative actions.

Hands Equity Amendment Act of 2022's failure to address potential ramifications for road safety. Changes to fine and fee structures, however, are morally correct and an advancement of economic justice. We *do* need this better world to include some preventative measures beyond road design and, what seemingly remains as the sole enforcement mechanism in the District is DPW's booting and towing. GGWash is fully supportive of whatever budgetary and operational actions are necessary to enable more booting and towing; I think it would be reasonable to suspend street sweeping for, say, six months to free up FTEs to boot and tow cars whose drivers have clearly endangered others.

- Parking: We were pleased to see Councilmembers Henderson and Pinto's residential parking permit-reform bill receive a hearing last council period, because for too long touching RPP has been considered the third rail of local issues. But RPP is just the tip of the iceberg. The District has never conducted a comprehensive parking study that accounts for *all of the parking*, including private residential parking and privately owned garages. We feel that this committee, in partnership with the Committee on Transportation and the Environment, is well-suited to examine the full scope of all the District's parking assets and draw conclusions on parking reform. Since, as I described above, we are moving forward with a reality in which DPW is the chief enforcer of traffic safety, DPW should have a major role in determining how parking should work.

Public works is a big job. DPW's mission, "to provide environmentally healthy municipal services that are both ecologically sound and cost-effective," is tantamount to running an entire city.³ The agency's leadership should reflect that. Barring any hidden talent within the administration right now, we would welcome a national search for a superstar director who is truly committed to ensuring that the public sector delivers clean, efficient, and fair services.

We aren't interested in revenue from moving violations; what we are interested in is that drivers who have repeatedly shown that they have no regard for the safety of their fellow humans, which is easily evidenced by moving violations, are not granted the privilege of driving. GGWash has proposed to nearly all of you, in a variety of settings, reforms that would change fines and fees to points on licenses, and peg fines and fees proportionately to one's income. These, we know, are heavy lifts, but we hope that you approach them with the same zeal that Tzedek's work has been met with."

³ [Jordan Fraade in 2021 for Slate, on the renewed potential of sewer socialism](#): "New Yorkers have had more immediate reasons lately to think about garbage pickup: 1) It's summer and therefore Hot Trash Season; and 2) the city's former sanitation commissioner, Kathryn Garcia, came within one percentage point during ranked choice voting of winning the Democratic primary for mayor. Garcia was a lifelong civil servant whose pitch to voters was almost entirely about her own competence and managerial skill; she promised to "get shit done," a wry nod to her past in sanitation and sewage. Her policy positions were mostly moderate, but her message contained a kernel that the city's progressive left can adapt and make its own after a disappointing showing in the mayoral race. The most electorally successful leftists in U.S. history ran and governed on this very kernel—the belief that delivering basic services, building public works, and running a functional local government are inseparable from what it means to govern from the left in a major city."