

ITEMS FOR CONSIDERATION
IN PREPARATION OF THE FAIRFAX COUNTY LEGISLATIVE PROGRAM
2024 VIRGINIA GENERAL ASSEMBLY

November 28, 2023

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TRANSPORTATION – PEDESTRIAN SAFETY

PROPOSAL:

Examine issues related to pedestrian safety during consideration of the 2024 state legislative program.

SOURCE:

Board of Supervisors
September 2023

BACKGROUND:

Transportation safety is a critically important issue for all Virginians. The urgency surrounding this issue in Fairfax County has been highlighted in recent months and years, as a number of tragic accidents have heightened the community's concerns about the need to implement measures to protect pedestrians, bicyclists, and drivers throughout the area. In the last few years, the General Assembly (GA) provided localities with additional, common-sense tools to help address these issues. However, some portions of the new laws have not been implemented the way it was understood they would be when they were being considered by the GA, resulting in ongoing unsafe conditions for many pedestrians.

Legislation at the GA

In 2020, the GA passed legislation that clarified the responsibilities of both drivers and pedestrians to reduce the number of pedestrian injuries and fatalities that occur each year, a long-time County priority. Specifically, **HB 1705** (Kory) clarified the duties of vehicle drivers to stop when yielding to pedestrians at (i) clearly marked crosswalks, whether at midblock or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or, (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill also prohibited the driver of another vehicle approaching a stopped vehicle from an adjacent lane, or from behind, from overtaking and passing the stopped vehicle.

Following enactment of the legislation, County staff was informed by Virginia Department of Transportation (VDOT) that while this legislation updated state law to clarify that "yield" means to "stop" for pedestrians, federal regulations prohibit signage from being changed unless state law specifically requires drivers to stop for pedestrians in a crosswalk. As a result, Fairfax County initiated legislation (**SB 1069** (Saslaw)) in the 2023 GA to amend Virginia Code § 46.2-924 to clarify that localities in Northern Virginia are authorized to

post appropriate and clear signage requiring motorists to stop for pedestrians in crosswalks at unsignalized intersections. After a number of interesting hearings on this legislation, it was ultimately enacted.

Additionally, in 2021, the GA passed legislation authorizing local governing bodies to reduce speed limits to less than 25 miles per hour, but not less than 15 miles per hour, in business or residential districts. Following the adoption of that bill, VDOT opined that the legislation does not apply on streets that are in the state highway system, which essentially includes all roads within Fairfax County, as well as other counties that do not maintain their own roads. In an effort to remedy the situation, Delegate Carr, the patron of the 2021 bill, introduced **HB 633** in 2022, which would have expanded that authority to any locality, including for roads within the state highway system. Unfortunately, that legislation was unsuccessful, so Fairfax County initiated legislation in the 2023 GA, to amend Virginia Code § 46.2-1300 to clarify that all counties that do not maintain their own roads are authorized to reduce speed limits to less than 25 miles per hour, but not less than 15 miles per hour, on highways within their boundaries within business or residential districts, as is currently allowed for localities that maintain their own roads. Unfortunately, that legislation (**HB 1939** (Plum)) was also unsuccessful.

Fairfax County Efforts to Address Pedestrian Safety

A recent Fairfax County Department of Transportation study showed that from 2014-2018, there were an average of 189 pedestrian crashes and 68 cyclist crashes per year. Speed is one of the most significant factors in severe and fatal collisions involving pedestrians. When examining pedestrian collisions, roadways with a speed limit of 25 miles per hour or lower had the lowest rate of fatal or severe crashes. At 25 miles per hour, nearly nine in ten pedestrians survived the collision, but at 40 miles per hour, only 35 percent of pedestrians survived.

In an effort to improve safety for all users, including people of all ages and abilities (including youth and elders, and individuals with physical, visual, or cognitive disabilities), Fairfax County recently adopted the Safe Streets for All approach to addressing these issues at the local level to the greatest extent possible. As part of this effort, Fairfax County is one of only approximately five jurisdictions statewide that have implemented local option authority to date, enacted by the 2022 GA, allowing the use of speed cameras in school and work zones. Since the County's pilot program began in April 2023, there has been a dramatic reduction (24.3 percent) in the average speed of vehicles travelling through the photo speed enforcement locations included in the pilot. While the pilot program has experienced several challenges, it has also experienced significant success, as vehicle speed has been substantially reduced near the ten Fairfax County Public Schools (FCPS) included in the pilot. There have also been no serious accidents or injuries at these locations, demonstrating that, thus far, the speed deterrent seems to be having the desired effect.

Fairfax County has a wide variety of multimodal transportation options, and concentrated growth continues to exist throughout the County. As a result, improvements to multimodal safety and access to transit facilities within transit-oriented development areas, as well as residential neighborhoods outside those growth areas, are critical to reducing avoidable, crashes involving pedestrians and bicyclists. This goal can be achieved through infrastructure investments, better traffic safety laws, and improved coordination with the Commonwealth.

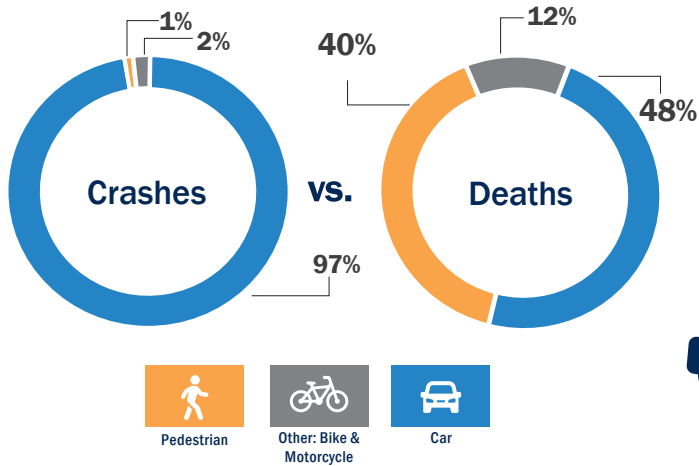
RECOMMENDATION:

Direct staff to add additional language to the Transportation Safety and Coordination position in the legislative program to address some of these issues. Also, direct staff to monitor for legislation regarding the current authority for speed cameras near schools and work zones to bring to the Legislative Committee for discussion.

Pedestrian Safety Isn't Just a Transportation Problem

It's a public health challenge impacting some people more than others in Fairfax County.

Crashes and Deaths by Mode of Travel



An average of **172** traffic crashes involve pedestrians each year.



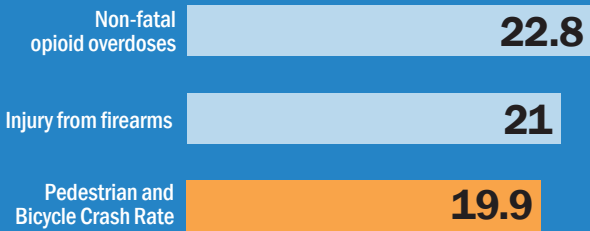
On average **16** pedestrians die in traffic crashes each year.



Traffic crashes involving a pedestrian are **54** times more likely to be fatal than traffic crashes involving only cars (excluding motorcycles).

Pedestrian and Bike Injury Compared to Other Public Health Priorities

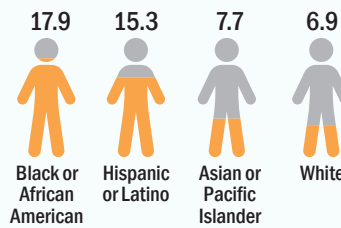
(Per 100,000 Population)



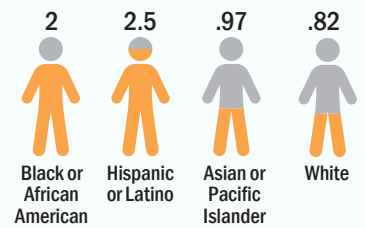
Pedestrian and bike crashes occur at nearly the same rate as non-fatal opioid overdoses and firearm related injuries.

Black and Hispanic populations have the highest rates of emergency room visits and deaths due to pedestrian crashes.

Emergency Room Visits (per 100,000)



Deaths (per 100,000)

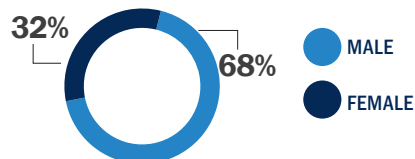


FOUR out of 5 fatal pedestrian crashes occur after dark



Most pedestrian crashes and deaths occur between **October–December**

Pedestrian Deaths by Gender



Males are more likely to be involved in crashes as pedestrians, cyclists, and as drivers.



Crashes that occur in the dark where there is **NO LIGHTING** are:

1.5 times more likely to be fatal than crashes in the dark where there is street lighting

5.3 times more likely to be fatal than pedestrian crashes occurring in daylight



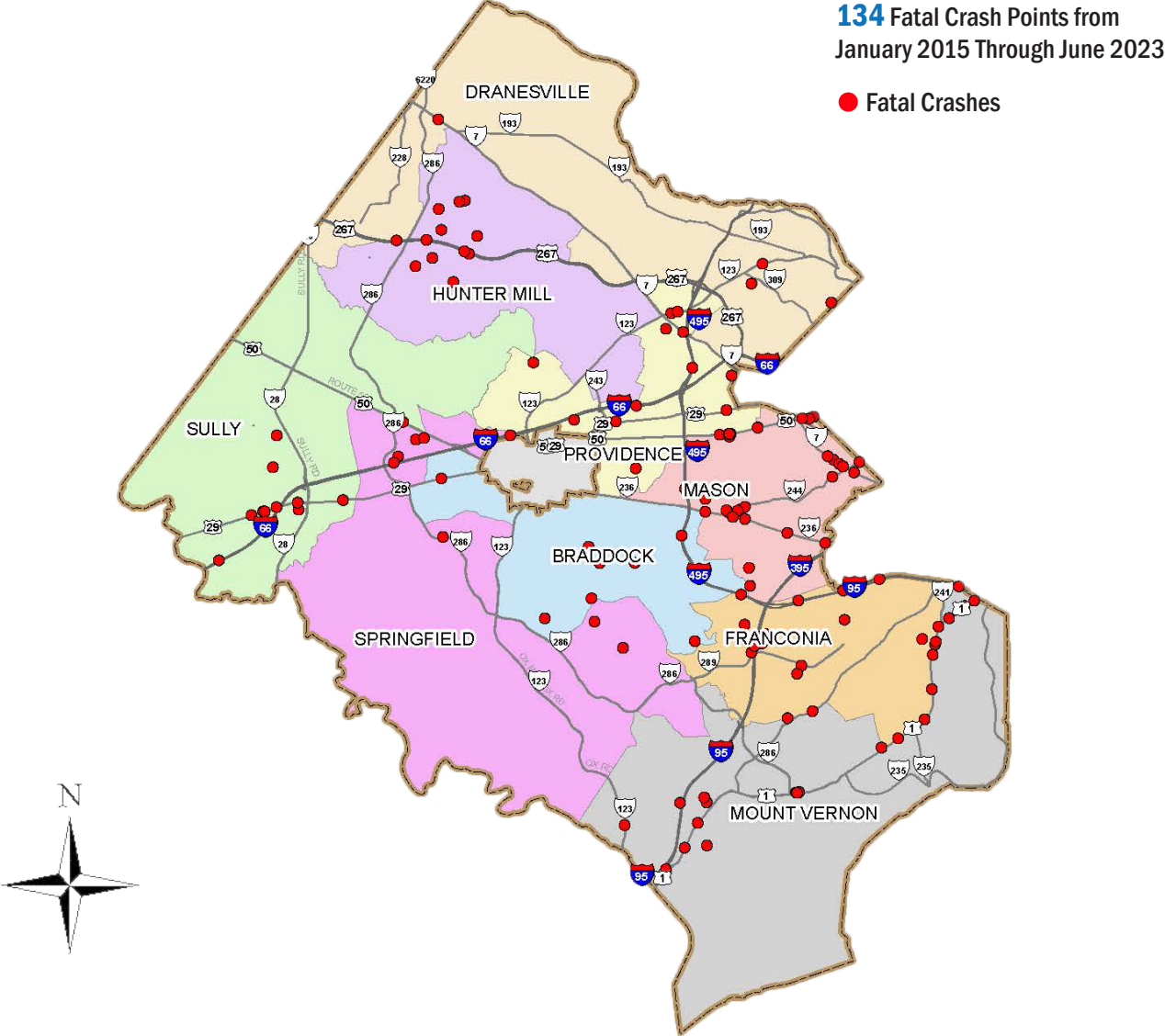
Crashes on roads with a speed limit of 35 mph or less are **3 times** less likely to result in fatality than on roads with higher speeds.



Crashes occurring on roads with sidewalks are **66%** less likely to be fatal.



Fatal Pedestrian Crashes in Fairfax County, by District



Pedestrian crashes occur throughout Fairfax County, but some areas have a higher share of deaths. Annandale, Reston, West Falls Church, Seven Corners, and the Route 1 corridor all have much higher than average fatality rates.

fairfaxcounty.gov/topics/pedestrian-bike-traffic-safety

The data presented from this fact sheet are compiled by Virginia Department of Transportation from traffic crash reports from January 2015 through June 2023. Data on race for emergency room and urgent care visits, and fatalities are reported by Virginia Department of Health. Rates were calculated using population estimates from the 2015–2022 American Community Survey.

ELECTIONS – ELECTION CERTIFICATION AND ABSTRACT DEADLINE CHANGE

PROPOSAL:

Support legislation to change the deadline for local electoral boards to certify elections and submit abstracts from seven days following the election to ten days following the election.

SOURCE:

Fairfax County Electoral Board
October 2023

BACKGROUND:

Fairfax County has long supported legislative efforts to promote equitable and efficient participation in elections, with the focus on ensuring all those who are qualified to vote can do so in a manner that works best for them. After years of gridlock and nominal progress, the 2020 General Assembly (GA) passed a number of significant election reforms, including extending no excuse absentee voting to 45 days before an election, expanding options for those who vote by mail, and allowing same-day voter registration. Additional changes were made in the budget during the 2020 Special Session later that year due to the COVID-19 pandemic; such changes were then codified during the 2021 GA session.

One bill that passed in the 2020 GA Session (**HB 238** (Sickles)) addressed the issue of absentee ballots that are not counted because, while they are postmarked by election day they arrive after the polls close, partially due to the time it takes for the U.S. Postal Service to process and deliver mail. **HB 238** adjusted the deadline for counting late-arriving absentee ballots, stating that any absentee ballot returned to the general registrar after the closing of the polls on election day (Tuesday) but before noon on the third day after the election (Friday) and postmarked on or before the date of the election shall be counted if the voter is found to be entitled to vote. However, that bill did not change the seven-calendar days local Offices of Elections have to certify the election results and submit abstracts to the State Board of Elections.

The potential conflicts in these timelines places additional pressure on local jurisdictions to ensure all ballots are counted and results are certified in even fewer days, at an already hectic time for processing ballots. Additionally, as was the case in 2023, the Friday after the election is often Veteran's Day or the day Veteran's Day is observed, which is typically a government holiday, allowing ballots to be returned even later (when that Friday is a holiday, the mail-in ballots are not due to the local Office of Elections until the following Monday). This results in only 1.5 days to process and count such ballots, finish adjudicating and counting provisional ballots (which are increasing with the same day

registration provision), and compute and enter the total data, by precinct, in the State Board of Elections computer system. Even when Veterans Day is not a factor, local offices only have from noon Friday through the following Tuesday to complete all these tasks.

The 2023 GA sought to fix this by extending the seven-day requirement an additional three days, for a total of ten days, to correspond with the additional three days voters had to have their absentee ballots counted. **SB 1442** (Spruill) passed the Senate (and was supported by Fairfax County), but was left in the House Privileges and Elections Committee – opponents of the bill shared that they preferred to see the three-day extension on absentee ballot delivery be rolled back as a solution, rather than extending the certification and abstract deadline.

RECOMMENDATION:

Direct staff to monitor for the introduction of legislation during the 2024 General Assembly session in order to bring relevant bills to Legislative Committee for consideration by the Board of Supervisors.