

LAW OFFICES OF

**H. JAY SPIEGEL & ASSOCIATES**

GENERAL CAUSES &  
PATENT, TRADEMARK & COPYRIGHT CAUSES

SPIEGEL'S LANDING  
8778 THOMAS J. STOCKTON PARKWAY  
ALEXANDRIA, VIRGINIA 22308

MAIL ADDRESS: P.O. BOX 11  
MOUNT VERNON, VIRGINIA 22121-0011

PARIS CORRESPONDENT  
LANGER-NETTER-ADLER  
53 AVENUE DE BRETEUIL  
PARIS 75007 FRANCE  
PHONE: 45 67 01 23  
FACSIMILE: 45 67 33 86

D.C. BAR  
VIRGINIA BAR  
PATENT BAR  
PHONE: (703) 619-0101  
FAX: (703) 619-0110  
WIRELESS: HJS@SPIEGELAW.COM  
WWW.SPIEGELAW.COM  
E-MAIL: JAYSPIEGEL@AOL.COM

July 12, 2019

George Washington Memorial Parkway  
Attn: Alexandria to Mount Vernon Safety Study  
700 George Washington Memorial Parkway  
c/o Turkey Run Park  
McLean, VA 22101

VIA CERTIFIED MAIL

Re: Alexandria to Mount Vernon Safety Study

To whom it may concern:

I attended the open house on July 11, 2019 at Walt Whitman Middle School. Looking at the announcement of the open house, I focused in on the goals of the safety study which is now underway. It requests that citizens share their concerns or ideas "about how to improve safety while protecting the parkway's beauty and historic character." It also explains that the intent of the study "is to develop recommendations to improve safety that can be implemented using existing funds while preserving the parkway's historic appearance." With these goals in mind, I have the following comments:

The parkway was opened in 1932 on the 200<sup>th</sup> anniversary of George Washington's birth. It was never intended to be a commuter highway. Rather, it was intended to be a scenic byway preserving the natural beauty of the area. In keeping with these goals, there are no metal guardrails or signals. There are no traffic lights or stop signs from the Mount Vernon Estate to the southern end of South Washington Street in the City of Alexandria.

I would prefer that any solutions to the issues raised do nothing to change the essential character of the parkway. Those of us who live in neighborhoods adjoining the parkway may have lost sight of the fact that one of its main purposes is to bring tourists to and from George Washington's Mount Vernon Estate. Tourism is one of the mainstays of our community given its historic character and any band aids that detract from this character should be rejected.

Unfortunately, our local State and Federal politicians confronted with occasional accidents and fatalities as occur on any road have immediately jumped to the big Government solution: Let's install speed cameras. Speed cameras will not solve any problem and will only

result in generating revenue and destroying the goodwill of our community from the perspective of visitors from other areas of the country. What I mean is that tourists who visit Mount Vernon and come home only to receive an automated speeding ticket in the mail are more likely to think of that negative aspect of their visit than they will remember the interesting things they experienced. The goodwill of our community should be important to us.

Then there are the technicalities of establishing speed cameras. I understand there will be no need for any legislation to facilitate speed camera installation. However, rule making will be required. This is a long and tedious process that is likely to take over a year after the traffic study is completed and be expensive. Additionally, traffic offenses on the parkway are, as a matter of law, adjudicated in the Federal Court in Alexandria and prosecuted by the U.S. Attorney for the Eastern District of Virginia. The U.S. Attorney's Office is consumed by important legal issues such as trials of spies, drug dealers, armed robberies of banks, and instances of fraud against the Federal Government. In my own experience, the U.S. Attorney once asked me to agree to settle a trademark dispute pending in the Alexandria Federal Court against the U.S. Patent and Trademark Office because they were too busy with what they considered to be more important issues. I am guessing speed camera prosecutions will also be low on the priority list and prosecutorial discretion might come into play. If the Park Service decides to try to contract out speed camera operation to a private vendor as often occurs, thereby bypassing the Federal Court and the U.S. Attorney, will this require legislation? I don't know. I suspect this is a serious issue.

There is a simpler solution to the issue of speeding on the parkway. Those of us who drive on the parkway every day have come to realize that, typically, there is only one Park Police Officer patrolling from Mount Vernon to Alexandria. Therefore, we know that if we see a Park Police car passing us in the opposite direction, there will be no enforcement of traffic laws from there until Mount Vernon or Alexandria. While I understand the Fairfax County Police have concurrent jurisdiction to enforce traffic laws on the parkway, I have never seen a Fairfax County Policeman set up to clock and apprehend speeders.

The easiest solution to the speeding problem on the parkway is for the Park Police to occasionally, if not more often, assign two or three patrol cars to the parkway. This act alone should drive down speeds and improve safety dramatically.

There is one additional situation that needs to be addressed. The stone bridge carrying Alexandria Avenue over the parkway is all too often struck by trucks and buses that forget about the low clearance at its side edges. Perhaps better signage, a speed reduction at that location with enforcement and/or other measures such as large lettered pavement markings on both sides of the bridge warning of the low clearance in the right hand lanes, would stop these incidents from occurring.

At the open house, I spoke to Mr. Paul Silberman, the representative of SABRA & Associates, the consultant hired by the National Park Service to conduct the study that is

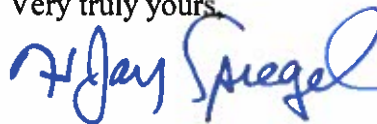
underway. I expressed to him my surprise that none of the numerous display boards exhibited at the open house address the issue of trucks and buses colliding with the underside of the stone bridge at Alexandria Avenue. When I asked him about this issue, he explained that the consultant intends to separate out statistics concerning accidents involving trucks and buses. I explained that this is insufficient, that he needs to separate out accidents where trucks and buses strike the bridge.

I also expressed to him my concern that it does not appear anyone is addressing the legal issues as explained above concerning the legality of adding speed cameras and concerning how to deal with the jurisdiction of the Alexandria Federal Court and the role of the U.S. Attorney for the Eastern District of Virginia in prosecuting crimes including traffic violations on the George Washington Parkway. These issues need to be addressed as part of the study before options are considered.

People stopped by a police officer for speeding usually deserve to be stopped. While that may also be the case with respect to a speed camera, we need to be mindful that we don't want tourists to receive a surprise ticket in the mail when they return home. Either do it overtly with police officers and marked cars or not at all.

Please include me on any mailing list concerning updates regarding these issues. For this purpose, my e-mail address is [jayspiegel@aol.com](mailto:jayspiegel@aol.com).

Very truly yours,



H. Jay Spiegel