



Testimony in support of Amending HB 2192
as passed by the House with HB 2174
Senate Transportation Committee
10 March 2011

Mr. Chairman and Members of the Committee,

As Bill told you, I am Alan Apel, Treasurer of the Kaw Valley Bike Club and registered League Cycling Instructor. Bicyclists ride for numerous reasons in Kansas—for health, recreation, travel and livable communities. For these reasons, bicycling in the state is increasing. As a result we need to educate the public how best to share the road and reduce the chance for serious injury. But, unfortunately, the existing law is vague —only requiring motorists to pass “at a safe distance to the left thereof.” Thus, a statute is needed that would require motorized vehicles must provide at least 3 feet of clearance when passing a bicycle.

Such a law’s existence would...

- strengthen the existing Rules of the Road by offering an objective measure of a safe passing distance.
- uphold the rights and responsibilities of bicyclists and motorists by encouraging operator education.
- support the legal concept of bicycles as vehicles.
- move the state higher in national rankings as a bicycle-friendly state by supporting a message to safely share the road, as reinforced through a 3-foot law.

Since 1973, 16 states have enacted 3 foot clearance laws. Another 13 states are considering enacting similar statutes. The main purpose of the three-foot passing legislation is to educate the public about how far is a safe distance to pass bicyclists and pedestrians. Many motorists believe just avoiding contact with a bicyclist or pedestrians is all that is required. Most motorists are often unaware of the danger of passing a cyclist too closely. It can result in hitting the cyclist or startling the cyclist, leading to a crash from the cyclist's reflexive action.

State patrol officials in several of the affected 16 states emphasize that the law is used more as an education tool to provide safe practices than as an enforcement tool to punish law breakers. It gives officers, government officials, and civic groups the opportunity to inform drivers what a safe minimum distance is by use of a common measure (3 feet or one yard) that can be easily remembered.

Current statutes uses “safe distance” without any numeric definition. The undefined standard in the current law does not provide an effective tool for law enforcement or state and local government to educate the public.

No expectation exists that police will have to use some sort of special distance-measuring equipment to see if the motorist is within 36 inches. The point, instead, is to communicate that the motorist needs to pass a cyclist safely, and a minimum 3 feet would better define a “safe pass.” This benefits police officers by providing a simple standard they can explain.

Use of numeric distances to educate the public is not uncommon in traffic laws. For example, “signals must be given at least 100 feet before making the actual move to turn.”

In order to give a bicyclist 3 feet of passing clearance, a motorist may have to move into another lane or cross the center line (when legal). But, whether it be a bicycle, farm tractor or other vehicle, motorists may, as per the law, cross the center line to overtake another vehicle, where it's legal and safe (Chapter 8, Article 15, Statute 8-1514).

It should be noted, that the current bicycle positioning law (Chapter 8, Article 15, Statute 8-1590) allows a bicycle to move from the right hand curb or edge of a the roadway for a number of reasons — including when riding in "a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.”

Therefore, when a lane becomes too narrow for both a bicycle and car to be in the same lane, a bicyclist, for safety reasons, can move into the lane. Then, the motor vehicle must utilize part or all of another lane.

The Kaw Valley Bicycle Club, KanBikeWalk, and other bicycle clubs agrees with Kansas Law that bicycles are vehicles and should act and be treated as such on the roadway, and that drivers should pass at a safe distance. However, given the frequency and high consequences of motorists failing to pass at a safe distance, the coalition agrees with Kansas cyclists—and 16 other states—that additional guidance within the law is necessary. Adoption of HB 2174 into HB 2192 can provide this to motorists and cyclists in Kansas.

Respectfully submitted,

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