

HB184 REP. DENLEY LOGE

GENERALLY REVISE BICYCLE LAWS REGARDING SAFETY AND LIGHTS

WE APPRECIATE REPRESENTATIVE LOGE'S EFFORTS TO ADDRESS BICYCLE SAFETY NEEDS, HOWEVER, BIKE WALK MONTANA CAN ONLY SUPPORT TWO SECTIONS OF HB148 AS PROPOSED.

Section 1, amending MCA 61-8-320 will require vehicles to view bicycles as a slow-moving vehicle and to cross the centerline when passing to ensure a minimum passing distance of 3 feet. It also clarifies that this can be done in no-passing zone. We support both of these changes as important clarifications to the current safe passing law.

We also support Section 4, amending MCA 61-8-607 to requiring a rear-facing, red light in addition to front-facing white light. However, this requirement should only be required at "dawn, dusk or nighttime" as provided in current law. Requiring the lights during daylight is unnecessary and inappropriate in the same way that there is no similar requirement for vehicles to have lights on during daytime, although both would improve visibility. In addition, requiring a rear reflector plus the rear light should be removed as the location of the rear reflector is where the rear light normally goes and both cannot be accommodated.

Bicycle shops in our community have also stated that a rear light that will be visible at 500 feet in the daylight will be prohibitively expensive for most riders. We support making it safer, easier and economic for as many everyday citizens to ride a bicycle as possible.

Amendment of MCA 61-8-807 should be modified to reflect these two recommendations.

Again, we thank Representative Loge for working with us, however, Bike Walk Montana cannot support the proposed amendments included in Sections 2 & 3.

Section 2, amending 61-6-603 to require riders to wear 200 square inches of hunter orange, high-visibility lime or retroreflective material visible is unenforceable in a practical sense given that it applies to all riders – recreational, commuters, students riding to school, grandparents/parents riding with children even if only occasionally. This change would make any violator a scofflaw and it is unlikely to be routinely enforced by law enforcement given that current bike laws are not well enforced.

While many serious riders choose to wear bright colors and take other safety precautions they do so as a personal choice and should not be required to do so by state law.

We also have a concern that this language in law may categorically reduce or eliminate a motor vehicle driver's liability and place it on a bicyclist without the required clothing on in the unfortunate case of a motor vehicle/bicycle crash.

Section 3, amending 61-8-605 regarding where and how bikes utilize roadways is also troublesome and will simply muddy understanding of current law which requires bicyclists to ride as far to right as judged safe with limited exceptions. This was changed by the legislature to meet national best practices in 2015. As an example, the requirement for riders to ride in the right half of the right lane conflicts with the National Association of City Transportation Officials or NACTO design guidelines for placement of Shared Use Lane Markings. These markings are generally to be positioned in the center of lanes, thus encouraging cyclists to "take the lane" when conditions warrant.

Proposed changes will only add to cyclist and driver confusion and potentially lead to more bike/vehicle conflicts. A better approach would be increased education by the Montana Department of Transportation, Montana Department of Justice and private organizations for cyclist and drivers about current biking laws, as well as increased enforcement by law enforcement for violators.

For instance, the Institute of Police Technology and Management provides Pedestrian and Bicycle Crash Investigation and best practices courses that we suggest to be included in the Law Enforcement academy curriculum.

In summary, Bike Walk Montana supports Section 1; supports Section 4 with some changes and opposes Sections 2 & 3 of HB184.