



# Bicycle Access Council News & Digest

www.BicycleAccess-PA.org

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*Hello Members and Supporters of the Bicycle Access Council.*

## *It's a beautiful day in Pennsylvania!*

This issue of the Bicycle Access Council (BAC) News & Digest is devoted to a single topic which deserves special attention. For over a year, BAC has developed and presented legislative proposals to bicycling organizations and members of the Pennsylvania General Assembly. I am proud to announce that the effort has resulted in two House Bills introduced on July 2 by Representative Ron Miller, 93<sup>rd</sup> Legislative District. This is the first step for these bills to become law.

Each House Bill helps to protect the rights and safety of Pennsylvania bicyclists. **House Bill 2688** amends Title 18, the Crimes and Offenses Code. It specifically makes it a serious crime to harass or intimidate a bicyclist by a motor vehicle driver *or passenger*. The offense is a second degree misdemeanor, which can include a heavy fine and imprisonment.

This is a unique approach for the law to legitimize the rights of bicyclists on the roadway and give law enforcement officers a clear means to prosecute offenders. Until now, only a vague interpretation of the Vehicle Code was available to issue a Summary citation for vehicle driver behavior that threatened or injured a bicyclist. And, unless a fatality occurred by a driver who was Driving Under the Influence (DUI) of drugs or alcohol, no jail time was likely. Now there is a serious penalty if this House Bill passes.

**House Bill 2689** includes many "technical clarifications" to Title 75, the Vehicle Code. It specifically adds a minimum passing distance (four feet) if changing lanes to overtake (pass) is not possible. It redefines "impeding traffic" by exempting bicyclists if traveling at less than prevailing speed. It specifies that right turns by motor vehicles may not interfere with ("right hook") a bicyclist traveling straight through. It also allows drivers to overtake (pass) when a traffic control device, like a double yellow line, is present, provided the motor vehicle passes in accordance with the standard of care for normal passing. This last item is meant to provide a bicyclist with a margin of safety on roadways too narrow to share with a passing motor vehicle.

So what can BAC members expect now? Truthfully, not much for a while. Every Bill has a political impact or is affected by current political issues. There are only nine session days left in this 2008 General Assembly session year and some would imply that there is less than that. The delay in the state budget process prevented these Bills from being introduced sooner. "BonusGate" may obscure every legislative minute so that nothing else gets done. The aftermath of BonusGate may even reverse the ruling majority party, which affects the way transportation issues are prioritized. BAC will closely monitor the political changes and take every opportunity to ensure these two Bills are considered.

BAC members may be asked to participate in a grassroots lobby effort in support of these Bills. BAC also plans to hold a Keystone Capitol Rally Day early in next year's legislative session. Watch for details.

To read the actual Bills, go to: HB 2688 <http://tinyurl.com/64gyzt> HB 2689 <http://tinyurl.com/6fldul>

Local coverage of these Bills appeared in the York [County] Dispatch newspaper. You can read the full article below or view it on-line at: <http://tinyurl.com/6m45wd>

## Push to protect bicyclists from road rage

[CARL LINDQUIST The York Dispatch](#), July 14, 2008

Joe Stafford hears the horror stories.

He's been told of times when someone threw a bottle at a bicyclist, another where the projectile was someone's spit and yet a third where the weapon was a baseball bat.

It's those types of incidents that pushed Stafford, executive director of the nonprofit Bicycle Access Council, to make sure it's clear road rage isn't defined as only between motor vehicle drivers in Pennsylvania.

Rights: The York Township resident is behind two bills introduced by state Rep. Ron Miller, R-Jacobus, meant to clarify bicyclists' rights on the roads.

"We want equality on the roadway, especially now," he said, noting high fuel prices. "More and more people are going to be on the roadway either by choice or as by an alternative means of transportation. It's really important for people to realize that bicycles are a vehicle by the vehicle code."

One bill, awaiting action in the House Judiciary Committee, addresses bicyclist-focused road rage by making it a misdemeanor for a driver to knowingly maneuver a vehicle to intimidate or harass a pedestrian or bicyclist.

It would also make it illegal for both the driver and occupant of a vehicle to make threats with gestures or language.

"There are many instances where it's just done because some folks are just prone to do it," Stafford said. "They want the bicycles off the roadway, out of their way."

Safety: A second bill would require drivers to slow down and give bicyclists four feet of clearance when passing in the same direction. Plus, among other provisions, the bill would also make it clear that a turning driver cannot cut off a bicyclist.

That piece of legislation awaits action in the House Transportation Committee.

Miller, who sits on the committee, said he decided to introduce the two bills at Stafford's urging.

It's important for people to realize that bicyclists have a right to be on the road just like motor vehicles, he said.

"These two bills are meant to deal with bicycle safety and make it easier for people to share the road," he said.

### **MISSION STATEMENT...**

The Bicycle Access Council is a non-profit advocacy organization that serves as a forum for Pennsylvania bicyclists and as an ombudsman for bicycling issues.

It is the objective of the Bicycle Access Council to make bicycling on roads throughout the Commonwealth safe, respectable and a transportation choice by educating its members and the motor-ing public.

All funding for the Bicycle Access Council comes from memberships and donations. Annual membership is \$20 per year. BAC does not share membership information.



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