LEGISLATIVE HISTORY

Office of Legislative Research and General Counsel

DATE: **July 12, 2000**

SUBJECT: **TRANSPORTATION INTERIM COMMITTEE**

Notice:	X
Agenda:	X
Minutes:	X
Visitor List:	X

Key Speakers (identify)
Dee Larsen, Office of Legislative Research and General Counsel
David Miles, Utah Department of Transportation (UDOT)
Thomas Warne, UDOT
Martin Knopp, UDOT
Ben Christensen, Office of Legislative Research and General Counsel
Bob Bayn, North Logan
Hal Cain, Cache Valley Soloists Bicycle Touring Club
Malcolm Campbell, Salt Lake City Mayor's Bicycle Advisory Committee

Information distributed to committee members prior to meeting (identify)
Minutes of the June 14, 2000 Meeting
Draft Legislation "Traffic Management Committee Amendments"
Draft Legislation "Bicycle Law Amendments"

Handouts distributed during meeting (identify)

Dee Larsen -	Highway Construction Bid Limits
David Miles -	Construction and Maintenance Bid Limit
Martin Knopp -	Salt Lake Area ATMs
Bob Bayn -	Proposed Amendments to Utah Bicycle Laws

Bills Discussed (include copies and identify by title and bill number)

Subject Listing
TRANSPORTATION
- Bicycles
- Congestion Management

Transportation Interim Committee

Agenda Packet for the Wednesday, July 12, 2000 Meeting
9:00 a.m. – Room 405 – State Capitol

STATE OF UTAH
OFFICE OF LEGISLATIVE RESEARCH & GENERAL COUNSEL

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NOTICE OF MEETING

TO: Transportation Interim Committee

FROM: Benjamin N. Christensen, Research Analyst

DATE: June 28, 2000

SUBJECT: July 12 Meeting

Sen. Peter C. Knudson and Rep. Marda Dillree have scheduled a meeting of the Transportation Interim Committee as follows:

DATE: **Wednesday, July 12, 2000**
TIME: **9:00 a.m.**
PLACE: **Room 405 State Capitol**

If you are unable to attend, please call me or Junie Anderson at 538-1032.

COMMITTEE MEMBERS

Sen. Peter C. Knudson, Senate Chair
Rep. Marda Dillree, House Chair

Sen. R. Lane Beattie	Rep. Don E. Bush	Rep. Brad King
Sen. R. Mont Evans	Rep. Carl W. Duckworth	Rep. Karen W. Morgan
Sen. Karen Hale	Rep. Kory M. Holdaway	Rep. Joseph G. Murray
Sen. Eddie "Ed" P. Mayne	Rep. Bryan D. Holladay	Rep. Lowell A. Nelson
Rep. Gerry A. Adair	Rep. Dennis H. Iverson	Rep. Richard M. Siddoway

AGENDA
Transportation Interim Committee
Wednesday, July 12, 2000 - 9:00 a.m. - Room 405 State Capitol

(Approximate Time Frame)

9:00 a.m. **1. Committee Business**
(Consideration of the minutes of the June 14, 2000 Transportation Interim Committee meeting.)

9:05 a.m. **2. Construction Bid Limits**
(Since 1976, state law has required UDOT to use a competitive bid on any project exceeding $40,000. The bid limit for counties and municipalities has been $100,000 since 1991. Should UDOT's bid limit be adjusted? What are the pros and cons of any adjustment?)

- **David Miles, Utah Department of Transportation**

10:00 a.m. **3. Traffic Management Committee Review** (Draft Legislation)
(During its April meeting, the committee asked the Traffic Management Committee to make recommendations on how to benefit more areas of the state with its work and expertise. Based on their suggestions a draft bill has been prepared for the committee's consideration.)

- **Martin Knopp, Utah Department of Transportation**

10:30 a.m. **4. Bicycle Laws** (Draft Legislation)
(Bicycle advocates have requested some changes to state law to better support bicycling as a means of transportation and recreation. Based on their suggestions, a draft bill has been prepared for the committee's consideration. Are these changes needed? Are they reasonable? Are additional changes warranted?)

11:10 a.m. **5. Other Committee Business**

6. Adjourn

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MINUTES OF THE
TRANSPORTATION INTERIM COMMITTEE

Wednesday, July 12, 2000 – 9:00 a.m. – Room 405 State Capitol

Members Present:
Sen. Peter C. Knudson, Senate Chair
Rep. Marda Dillree, House Chair
Sen. Karen Hale
Sen. Eddie "Ed" P. Mayne
Rep. Don E. Bush
Rep. Kory M. Holdaway
Rep. Bryan D. Holladay
Rep. Dennis H. Iverson
Rep. Brad King
Rep. Karen W. Morgan
Rep. Joseph G. Murray
Rep. Lowell A. Nelson
Rep. Richard M. Siddoway

Members Absent:
Sen. R. Mont Evans
Rep. Carl W. Duckworth

Members Excused:
Rep. Gerry A. Adair

Staff Present:
Mr. Benjamin N. Christensen, Research Analyst
Mr. Dee S Larsen, Associate General Counsel
Ms. Junie G. Anderson, Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. **Committee Business** - Chair Dillree called the meeting to order at 9:09 a.m.

MOTION: Rep. Siddoway moved to approve the minutes of the June 14, 2000 meeting. The motion passed unanimously.

2. **Construction Bid Limits** - Mr. Larsen distributed a handout titled "Highway Construction Bid Limits" and gave background information on bid limits.

Mr. David Miles, Utah Department of Transportation (UDOT), distributed a handout titled "Construction and Maintenance Bid Limit" and discussed the bid limits for UDOT's construction and maintenance programs. He explained that a higher bid limit would allow UDOT to complete occasional, urgent projects more efficiently. UDOT is asking that the limit be raised from $40,000 to $100,000, the same as the bid limit for B&C road projects.

Mr. Thomas Warne, UDOT, said much of the $40,000 is used to prepare drawings by professional engineers, and arrange other documentation, if a bidding process is required.

MOTION: Sen. Knudson moved that staff draft legislation to raise the state's construction bid limit to $100,000 which would be consistent with that of the B&C's bid limit, and to include language that would tie the B&C and the state limits together in the future, then to bring the draft legislation back to the committee for approval. The motion passed unanimously.

3. **Traffic Management Committee Review** (Draft Legislation) - Mr. Martin Knopp, UDOT, distributed a handout titled "Salt Lake Area ATMs" and discussed the issues. The issues included system goals, project status, and system benefits.

Mr. Knopp explained draft legislation titled "Traffic Management Committee Amendments" and explained the reasoning for each change. The draft was mailed to committee members prior to the meeting.

MOTION: Rep. Siddoway moved to approve draft legislation titled "Traffic Management Committee Amendments" as a committee bill. The motion passed unanimously.

4. **Bicycle Laws** (Draft Legislation) - Mr. Christensen briefed the committee on draft legislation "Bicycle Law Amendments" that was mailed to committee members prior to the meeting and discussed the proposed changes to the current state law. He also distributed proposed committee amendments and a handout that outlined policy changes to the draft bill and policy changes in the proposed amendment sheet.

Mr. Larsen responded to Rep. Siddoway's concern about hand turn signals and signal lamps.

Mr. Bob Bayn, North Logan, distributed a handout titled "Proposed Amendments to Utah Bicycle Laws." He discussed the proposed changes as outlined and encouraged the committee to pass them. He also answered questions and concerns from committee members.

Mr. Hal Cain, Cache Valley Soloists Bicycle Touring Club, also indicated support for the changes and responded to questions from committee members.

Mr. David Miles, UDOT, expressed concern over bicycles yielding instead of stopping at stop signs. He also indicated that a safety study would be unnecessary to determine whether bicycles should use a path or a roadway. The committee agreed that Amendment No. 4 on Page 3, Line 79 would not be considered.

Mr. Malcolm Campbell, Salt Lake City Mayor's Bicycle Advisory Committee, expressed concern over the safety of bicyclists on specific bike paths. He spoke in support of Mr. Bayn's proposals, but said that he is divided on the yield at stop signs law.

MOTION: Rep. Holdaway moved that the committee approve "Bicycle Law Amendments" with the deletion of Amendment No. 4 on Page 3, Line 79.

Chair Dillree declared a personal conflict of interest.

SUBSTITUTE MOTION: Rep. Siddoway moved to approve "Bicycle Law Amendments" as a committee bill with the following changes:

Delete Line 9

Delete Lines 28-58

which would leave the language as written in current statute, and to approve the recommended amendments to "Bicycle Law Amendments" with the exception of Amendment No. 4 on Page 3, Line 79. The motion passed with Sen. Knudson, Rep. Bush, Rep. Dillree, Rep. Holdaway, and Rep. Nelson voting in opposition to the motion. Rep. King was absent for the vote.

5. **Other Committee Business** - No other business was discussed at this meeting.

6. **Adjourn** -

MOTION: Sen. Knudson moved to adjourn the meeting. The motion passed unanimously at 11:06 a.m. with Rep. King absent for the vote.

TRANSPORTATION INTERIM COMMITTEE
VISITOR LIST

DATE 7/12/00

(PLEASE PRINT)

NAME	ORGANIZATION	TELEPHONE	E-MAIL
CARL FANNELL	KSL RADIO		Carl [illegible]
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Ceri Nickens	Eagle Forum		[illegible]
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Jennifer Toomer Cook	Deseret News	237 2167	jtcook@desnews.com
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Tee Biesinger	Utah Home Builders Assn	801 408 8750	tee@UtahHBA
Joe [illegible]	[illegible]		
[illegible]	Murray City		

PLEASE CIRCULATE

BICYCLE LAW AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN OPERATING AND EQUIPMENT PROVISIONS FOR BICYCLES AND OTHER HUMAN POWERED VEHICLES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-71, as last amended by Chapter 138, Laws of Utah 1987

41-6-72.10, as last amended by Chapter 138, Laws of Utah 1987

41-6-87, as last amended by Chapter 44, Laws of Utah 1989

41-6-87.3, as last amended by Chapter 59, Laws of Utah 1997

41-6-87.7, as last amended by Chapter 138, Laws of Utah 1987

41-6-90, as last amended by Chapter 138, Laws of Utah 1987

41-6-106.10, as enacted by Chapter 207, Laws of Utah 1975

41-6-140, as last amended by Chapter 312, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-71** is amended to read:

41-6-71. Signals -- How made -- Exceptions for right hand signals.

~~[Signals required to be given by hand and arm shall be given]~~

(1) Except as provided in Subsection (2), a person operating a vehicle shall give the required hand and arm signals from the left side of the vehicle as follows:

[~~(1)~~] (a) Left turn: hand and arm extended horizontally;

[~~(2)~~] (b) Right turn: hand and arm extended upward; and

[~~(3)~~] (c) Stop or decrease speed: hand and arm extended downward.

(2) A person operating a bicycle or device propelled by human power may give the required hand and arm signals for a right turn by extending the right hand and arm horizontally to the right.

Section 2. Section **41-6-72.10** is amended to read:

41-6-72.10. Right-of-way -- Stop or yield signals -- Yield -- Collisions at intersections or junctions of roadways -- Evidence.

(1) Preferential right-of-way may be indicated by stop signs or yield signs under Section

41-6-99.

(2) Except when directed to proceed by a peace officer and except as provided in Subsection (3), every operator of a vehicle approaching a stop sign shall:

(a) stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, but if none, then at a point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering it[. After];

(b) after having stopped, [~~the operator shall~~] yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the operator is moving across or within the intersection or junction of roadways[. ~~The operator shall~~]; and

(c) yield the right-of-way to pedestrians within an adjacent crosswalk.

(3) Unless directed otherwise by an official traffic-control device, a person operating a bicycle or any vehicle or device propelled by human power who is approaching a stop sign shall comply with the requirements for an operator of a vehicle approaching a yield sign under Subsection (4).

[~~(3)~~] (4) (a) The operator of a vehicle approaching a yield sign shall:

(i) slow down to a speed reasonable for the existing conditions and if required for safety, shall stop as provided under Subsection (2)[:];

[~~(b) After~~] (ii) after slowing or stopping, [~~the operator shall~~] yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the operator is moving across or within the intersection or junction of roadways[. ~~The operator shall~~]; and

(iii) yield to pedestrians within an adjacent crosswalk.

(b) If the operator is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian at an adjacent crosswalk, after passing a yield sign without stopping, the collision is prima facie evidence of the operator's failure to yield the right-of-way, but is not considered negligence per se in determining liability for the accident.

Section 3. Section **41-6-87** is amended to read:

41-6-87. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.

(1) A person operating a bicycle or a moped upon a roadway at less than the normal speed

Was removed from motion

10

of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway except when:

(a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) preparing to make a left turn at an intersection or into a private road or driveway; [~~or~~]

(c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or

[~~(c)~~] (d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including[~~, but not limited to,~~] fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or [~~substandard width lanes that make it unsafe to continue along the right-hand edge. In this subsection, "substandard width lane" means~~] a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(2) Persons riding bicycles or mopeds upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede the normal and reasonable movement of traffic and [~~on a laned roadway~~] shall ride within a single lane.

(3) If a usable path for bicycles has been provided adjacent to a roadway, bicycle riders [~~shall~~] may be directed by official traffic-control devices to use the path and not the roadway.

Section 4. Section **41-6-87.3** is amended to read:

41-6-87.3. Bicycles and human powered vehicle or device to yield right-of-way to pedestrians on sidewalks, paths, or trails -- Uses prohibited -- Negligent collision prohibited -- Speed restrictions -- Rights and duties same as pedestrians.

(1) A person operating a bicycle or any vehicle or device propelled by human power shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.

(2) A person may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by official traffic-control devices or ordinance.

(3) A person may not operate a bicycle or any vehicle or device propelled by human power in a negligent manner so as to collide with any pedestrian or other person operating a bicycle or any vehicle or device propelled by human power.

Not recommending in 2010

Better than it was!

(4) A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

[~~(4)~~] (5) Except as provided under [~~Subsection~~] Subsections (1) and (4), a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Section 5. Section **41-6-87.7** is amended to read:

41-6-87.7. Bicycles and mopeds -- Turn signals -- Exceptions.

(1) Except as provided in this section, a person riding a bicycle or moped shall comply with Section 41-6-69.

(2) [~~A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle or moped before turning, and shall be given while the bicycle or moped is stopped waiting to turn.~~] A person is not required to signal by hand and arm [~~need not be given~~] continuously if the hand is needed in the control or operation of the bicycle or moped.

(3) A person operating a bicycle or moped and who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

Section 6. Section **41-6-90** is amended to read:

41-6-90. Bicycles -- Lamps and reflective material required.

(1) Every bicycle in use at the times described in Section 41-6-118 shall be equipped with a:

(a) lamp on the front emitting a white light visible from a distance of at least 500 feet to the front; and [~~with a~~]

(b) (i) red reflector of a type approved by the department which is visible for 500 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle[~~.~~]; or

(ii) red taillight designed for use on a bicycle and emitting flashing or nonflashing light visible from a distance of 500 feet to the rear.

(2) Every bicycle when in use at the times described in Section 41-6-118 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet

when directly in front of lawful lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) and (2).

Section 7. Section **41-6-106.10** is amended to read:

41-6-106.10. Sidewalk -- Driving prohibited -- Exception.

[~~No~~] Except for a bicycle or device propelled by human power, a person [~~shall drive any~~] may not operate a vehicle upon a sidewalk or sidewalk area except upon a [~~permanent or duly authorized or temporary~~] driveway.

Section 8. Section **41-6-140** is amended to read:

41-6-140. High intensity beams -- Red or blue lights -- Flashing lights -- Color of rear lights and reflectors.

(1) During the times specified in Section 41-6-118, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(2) Except as required in Sections 41-6-132 and 41-6-140.10, a person may not drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red or blue light visible from directly in front of the center of the vehicle.

(3) Flashing lights are prohibited except as authorized or required in Sections 41-6-90, 41-6-121.10, 41-6-130, 41-6-132, 41-6-133, 41-6-140.10, and 41-6-140.20.

(4) The alternately flashing lights described in Sections 41-6-132 and 41-6-140.10 may not be used on any vehicle other than a school bus or an authorized emergency vehicle. The rotating light described in Section 41-6-132 may not be used on any vehicle other than an authorized emergency vehicle.

(5) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white.

To: Transportation Interim Committee
From: Bob Bayn, North Logan
Date: July 12, 2000
Subj: Proposed amendments to Utah Bicycle Laws

Mr. Chairman,
My thanks to the committee for agreeing to consider changes to Utah's bicycle laws, for the efforts of Ben Christensen in drafting these revisions, and for the oportunity to speak briefly in support of those proposed changes today.

I am an "Effective Cycling" Instructor for the League of American Bicyclists. This is a safety program rather like the water safety program of the American Red Cross. I also chair the Cache MPO Pedestrian/Bike Advisory Committee and I am the Safety Officer for the Cache Veloists Bicycle Touring Club. While I am not here officially representing L.A.B. or Cache M.P.O., I do represent the consensus of transportation bicyclists in my area.

The proposed changes are all consistent with the Effective Cycling motto that "cyclists fare best when they act and are treated as operators of vehicles." That motto is consistent with the Utah provision that cyclists have all of the "rights and duties" of the operator of a vehicle.

The changes all deal with safety and efficiency issues that should contribute to making cycling a more viable means of transportation.

Of primary concern is the current requirement to use an available sidepath instead of the roadway. The documentation that I am providing here shows that this once common provision has been discredited by safety studies and has been rescinded by most states.

On behalf of cyclists around the state, thank you for considering these issues. I would be glad to answer any questions now or at a later time.

Explanation of Bike Law changes in UTA 41-6-87

Remove the mandatory sidepath rule.

In my view the most important change being proposed is what bicyclists refer to as the "mandatory sidepath" rule. The requirement for bicyclists to use a sidepath, when available, instead of the roadway, was added to the Uniform Vehicle Code in 1944. After 32 years of experience with the consequences of that rule, it was removed from the UVC in 1976 and began to be repealed from the law books of the various states after that. Today, Utah is one of only about a half dozen states that still impose the "mandatory sidepath" rule.

The rule still has the appeal that it did in 1944 to someone who has little experience with transportation cycling and little familiarity with bike/motor vehicle collision statistics or traffic flow principles. The common public misperception is that overtaking vehicles pose the greatest danger to cyclists on the roadway.

I am providing three documents which all assert or demonstrate that the most common hazards are in front of the cyclist at intersections with other streets and driveways. The safest way to deal with those real hazards is to ride a bicycle where motorists are looking out for conflicting traffic, not to ride where you will surprise them.

Wachtel and Lewiston reported in 1994 on analysis of police reports of bicycle acidents as compared to bicycle traffic levels and demographics which they recorded on the same roadways. Their safety recommendation was to "encourage bicyclists to travel on the roadway rather than on an adjacent sidewalk or sidepath."

Paul Schimek (1996) told an International Congress of planners that "a bicycle path immediately adjacent to a roadway but separated from it ("sidepath") is increasingly recognized as a dangerous type of facility.

The 1999 edition of AASHTO's Guide for the Development of Bicycle Facilities lists nine safety problems associated with sidepaths and concludes "shared use paths should not be considered a substitute for street improvements even when the path is located adjacent to the highway..."

Because Utah also has 41-6-17 which does not prevent local authorities from "(h) regulating the operation of bicycles..." I agree that, if the state simply deletes the "mandatory sidepath" provision of 41-6-87(3), it will leave all of the local governments free to perpetuate the mistake. The proposed change (with proposed amendment) removes the blanket effect of the "mandatory sidepath" rule and requires localities to apply it only in specific instances by alerting bicyclists with signs after an engineering/safety study. I hope and expect that facts such as those presented here will result in the vast majority of such studies yielding a recommendation against designating a particular sidepath for mandatory use.

An alternative approach might be to simply eliminate the state requirement to use a sidepath **and** change 41-6-17(h) to restrict local authorities ability to regulate bicyclists "on sidewalks" only.

The other changes proposed for 41-6-87 are intended to clarify the legality of bicyclists entering intersections according to the accepted traffic engineering principles of "channelization by destination." The result will be fewer instances of unexpected conflicts caused by bicyclists travelling through an intersection from an unexpected position.

Finally, I support the clarification that bicyclists are welcome to use the shoulder rather than the rightmost travel lane so long as it does not create a REQUIREMENT to use the shoulder rather than a travel lane. Again, at intersections (including driveways) we do not want to mandate situations where right turning motor vehicles are to the left of straight travelling bicycles.

Explanation of Bike Law changes in UTA 41-6-71

Allowing a right-handed right turn signal.

This change allows bicyclists to signal right turns in the "intuitive" way with the right hand. Currently, all signals must be given "from the left side of the vehicle." This makes perfect sense for car and truck drivers, except that nowadays car, trucks and motorcycles must have signal lights.

The left handed right turn signal is difficult to recognize when the cyclist is in a tuck or "racing" position because the left arm ends up being extended more forward than upward.

Some have objected to this proposed change because it results in a signal being given where other travelers will not see it. Let's examine the variety of circumstances and see if this objection has any value.

A right turn signal is used in two general situations: (1) when turning from the rightmost lane to a cross street or driveway, or (2) when changing lanes to the right on a multilane roadway.

In both of these situations, crossing, oncoming or following traffic which could be affected by

the signaller's maneuver can see and intuitively understand the right handed right turn signal. Travelers directly on the left side of the cyclist will not readily see the signal but don't need to see it.

This change allows, but does not require, the right handed right turn signal. This optional way of signalling is not appropriate for motorcyclists because of the controls that are typically on the right handlebar grip.

Explanation of Bike Law changes in UTA 41-6-87.3

Address excessive speed on sidewalks.

The paragraph (4) proposed for addition is intended to clarify that cyclists on sidewalks are expected to travel at typical pedestrian speeds especially when they approach points of conflict with motor vehicle traffic at crosswalks and driveways. Excessive speed on sidewalks is what contributes to the "he came out of nowhere" defense when a motorist is surprised too late by a fast moving bicycle rider.

Explanation of Bike Law changes in UTA 41-6-87.7

Clarify turn signal requirements.

This change removes the inconsistency in the minimum requirement for length of signalling for bicycles (100 feet) compared to motor vehicles (3 seconds). It is easier for everyone to estimate 3 seconds than to estimate 100 feet of roadway and this will actually increase the advance notice requirement for fast moving (over 22 mph) commuting and sport cyclists on the roadway.

It still acknowledges that the signal does not take priority over control and operation of the bicycle. Indeed the signal information is most useful to other travelers if it is given well before braking or turning begin. The changes also eliminate the rather silly looking, and generally ignored, requirement for the cyclist to hold an arm signal while waiting in a designated left turn lane.

Explanation of Bike Law changes in UTA 41-6-90 and -140

Allow the flickering LED taillights.

The change to the taillight requirement catches up with some very useful technology for nighttime bicycle safety: the flickering LED taillight. Currently available LED taillights are bright, reliable, economical and distinctively recognized by motorists at night as a bicycle feature. Section 41-6-140 is also changed to list this allowable exception to the general prohibition on the use of flashing lights.

Explanation of Bike Law changes in UTA 41-6-106.10

Remove a technical prohibition on sidewalk bicycling.

This change merely clarifies that the prohibition on vehicular operation on sidewalks does not apply to bicycles. I believe that bicycles should be allowed on sidewalks, in general and expecially for children in residential neighborhoods, even though bicyclists should not be encouraged or required to ride on sidewalks routinely.

Explanation of Bike Law changes in UTA 41-6-72.10

Allowing bicyclists to yield at stop signs

This proposed change is undoubtedly the most controversial of all of the changes being

proposed. This modification follows the lead in Idaho State Law to allow bicyclists to treat stop signs as yield signs.

It does not change the priority of the various traffic flows at intersections. It merely eliminates the requirement to come to a complete stop if, upon yielding, there is no conflicting traffic.

In many cases, a bicyclist must detach one foot from the pedal mechanism when coming to a complete stop. When starting up again, the cyclist is distracted at some point from the traffic situation, while reattaching the foot to the pedal. This distraction can cause the cyclist to wait for a longer break in crossing traffic, adding to the delay of traffic behind the cyclist. Allowing the cyclist to yield, without creating this additional delay, may facilitate the flow of traffic.

The bicycle does not protrude beyond it's driver's eyes into the intersection as much as a typical motor vehicle does. That length difference provides a space in which the bicycle can be moving forward while its rider is assessing the traffic situation. In fact, this is about what a great many experienced cyclists actually do in spite of the current law. They slow down, assess the situation, yield to any conflicting traffic, and then proceed through the intersections without necessarily coming to a full stop.

There are probably two main objections to this revision in the law: 1) the resulting actions of cyclists may be unsafe and 2) this "special" treatment is in contrast to the rest of the efforts of cycling advocates to obtain "equal" treatment under the law and from fellow travelers.

No doubt, just as other laws are incompletely understood, this proposed law could become understood by the public to mean simply "look out, bikes don't have to stop at stop signs" without understanding that cyclists at stop signs must still yield to conflicting traffic. If the rule is presented as the slogan "bikes yield at stop signs" we should be successful at conveying the intent as one concept rather than as two.

According to Idaho's Legislative Reference Librarian, Kristin Ford [KFord@lso.state.id.us], that provision was included with a variety of traffic code changes in Idaho in 1982. As far as I have determined, Idahoans have been satisfied with the general result. Mark McNeese [MMcNeese@itd.state.id.us], Idaho Transportation Department, Bicycle/Pedestrian Coordinator wrote this to me about the law:

> "When this law was passed (a number of years ago and before my time as the Bike/Ped Planner) it was an "end around" that few anticipated. In retrospect it is not a bad law."

If you watch people on bikes around town, you will see a general disregard for, or ignorance of, the rules that apply to them. Some of this is "scofflaw" behavior because they believe that the laws don't apply to cyclists and do not protect cyclists. Some behavior is because of mistaken decisions about what sort of cycling behavior is safe; wrong side riding, sidewalk riding and gutter hugging are among the result. It may be that a law seen as beneficial to cyclists could encourage some cyclists to trust and respect the law. In other cases, a public effort to increase awareness in the safety benefits of all bicycle laws is probably needed to improve compliance.

I would be glad to respond to questions about these proposals. You can reach me at:

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The following excerpts from the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities (1999) support the concept that roadside bike paths are not particularly safe facilities for utilitarian or sport bicycle riding. The Guide stops short of specifying that such facilities should not be constructed, but gives a great many cautions and contra-indications that probably apply to the vast majority of existing and possible roadside bike path facilities. The primary risk factor identified is that bicycle traffic on a roadside path (or sidewalk) creates unexpected conflicts at unexpected speeds at every location where the path crosses a roadway or driveway.

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 20:

Designating Sidewalks as Signed Bikeways

In general, the designated use of sidewalks (as a signed shared facility) for bicycle travel is unsatisfactory. (See Undesirability of Sidewalks as Shared Use Paths, page 58.)

It is important to recognize that the development of extremely wide sidewalks does not necessarily add to the safety of sidewalk bicycle travel, since wide sidewalks encourage higher speed bicycle use and increase potential for conflicts with motor vehicles at intersections, as well as with pedestrians and fixed objects. [. . .]

In residential areas, sidewalk riding by young children is common. With lower bicycle speeds and lower cross street auto speeds, potential conflicts are somewhat lessened, but still exist. Nevertheless, this type of sidewalk bicycle use is accepted. It is inappropriate to sign these facilities as bicycle routes. In general, bicyclists should not be encouraged through signing to ride facilities that are not designed to accommodate bicycle travel.

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 33:

Shared Use Paths

Shared use paths are facilities on exclusive right-of-way and with minimal cross flow by motor vehicles. [. . .]

Shared use paths should be thought of as a complementary system of off-road transportation routes for bicyclists and others that serves as a necessary extension to the roadway network. Shared use paths should not be used to preclude on-road bicycle facilities, but rather to supplement a system of on-road bike lanes, wide outside lanes, paved shoulders and bike routes. [. . .]

AASHTO Guide for the Development of Bicycle Facilities (1999)

Pages 33-35:

Separation Between Shared Use Paths and Roadways

When two-way shared use paths are located immediately adjacent to a roadway, some operational problems are likely to occur. In some cases, paths along highways for short sections are permissible, given an appropriate level of separation between facilities, [. . .]. Some problems with paths located immediately adjacent to roadways are as follows:

1. Unless separated, they require one direction of bicycle traffic to ride against motor vehicle traffic, contrary to normal rules of the road.
2. When the path ends, bicyclists going against traffic will tend to continue to travel on the wrong side of the street. Likewise, bicyclists approaching a shared use path often travel

on the wrong side of the street in getting to the path. Wrong-way travel by bicyclists is a major cause of bicycle/automobile crashes and should be discouraged at every opportunity.

3. At intersections, motorists entering or crossing the roadway often will not notice bicyclists approaching from their right, as they are not expecting contra-flow vehicles. Motorists turning to exit the roadway may likewise fail to notice the bicyclist. Even bicyclists coming from the left often go unnoticed, especially when sight distances are limited.
4. Signs posted for roadway users are backwards for contra-flow bike traffic; therefore these cyclists are unable to read the information without stopping and turning around.
5. When the available right-of-way is too narrow to accommodate all highway and shared use path features, it may be prudent to consider a reduction of the existing or proposed widths of the various highway (and bikeway) cross-sectional elements (i.e., lane and shoulder widths, etc.). However, any reduction to less than AASHTO Green Book (or other applicable) design criteria must be supported by a documented engineering analysis.
6. Many bicyclists will use the roadway instead of the shared use path because they have found the roadway to be more convenient, better maintained, or safer. Bicyclists using the roadway may be harassed by some motorists who feel that in all cases bicyclists should be on the adjacent path.
7. Although the shared use path should be given the same priority through intersections as the parallel highway, motorists falsely expect bicyclists to stop or yield at all cross-streets and driveways. Efforts to require or encourage bicyclists to yield or stop at each cross-street and driveway are inappropriate and frequently ignored by bicyclists.
8. Stopped cross-street motor vehicle traffic or vehicles exiting side streets or driveways may block the path crossing.
9. Because of the proximity of motor vehicle traffic to opposing bicycle traffic, barriers are often necessary to keep motor vehicles out of shared use paths and bicyclists out of traffic lanes. These barriers can represent an obstruction to bicyclists and motorists, can complicate maintenance of the facility, and can cause other problems as well.

For the above reasons, other types of bikeways are likely to be better suited to accommodate bicycle traffic along highway corridors, depending upon traffic conditions. Shared use paths should not be considered a substitute for street improvements even when the path is located adjacent to the highway, because many bicyclists will find it less convenient to ride on these paths compared with the streets, particularly for utility trips. [. . .]

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 58:

Undesirability of Sidewalks as Shared Use Paths

Utilizing or providing a sidewalk as a shared use path is unsatisfactory for a variety of reasons. Sidewalks are typically designed for pedestrian speeds and maneuverability and are not safe for higher speed bicycle use. Conflicts are common between pedestrians traveling at low speeds (exiting stores, parked cars, etc.) and bicyclists, as are conflicts with fixed objects (e.g., parking meters, utility poles, sign posts, bus benches, trees, fire hydrants, mail boxes, etc.) Walkers, joggers, skateboarders and roller skaters can, and often do, change their speed and direction almost instantaneously, leaving bicyclists insufficient reaction time to avoid collisions.

Similarly, pedestrians often have difficulty predicting the direction an oncoming bicyclist will take. At intersections, motorists are often not looking for bicyclists (who are traveling at higher speeds than pedestrians) entering the crosswalk area, particularly when motorists are making a turn. Sight distance is often impaired by buildings, walls, property fences and shrubs along sidewalks, especially at driveways. In addition, bicyclists and pedestrians often prefer to ride or walk side-by-side when traveling in pairs. Sidewalks are typically too narrow to enable this to occur without serious conflicts between users.

It is especially inappropriate to sign a sidewalk as a shared use path or designated bike route if to do so would prohibit bicyclists from using an alternate facility that might better serve their needs.

It is important to recognize that the development of extremely wide sidewalks does not necessarily add to the safety of sidewalk bicycle travel. Wide sidewalks might encourage higher speed bicycle use and can increase potential for conflicts with motor vehicles at intersections, as well as with pedestrians and fixed objects.

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 48:

Adjacent Path Crossings

Adjacent path crossings occur where a path crosses a roadway at an existing intersection between two roadways, whether it is a T-intersection (including driveways) or a simple four-legged intersection. It is preferable that this type of crossing be carefully integrated close to the intersection so as to allow motorists and path users alike to recognize each other as intersecting traffic. With this configuration, the path user is faced with potential conflicts with motor vehicles turning left and right from the parallel roadway, and on the crossed roadway.

The major road may be either the parallel or crossed roadway. Right-of-way assignment, traffic control devices, and separation distance between the roadway and path are also important variables which greatly affect the design of this intersection. Further complicating the situation is the possibility of the conflicts being unexpected by both path users and motorists. Clear sight lines across corners are especially important. [. . .]

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 49:

Assigning Right of Way

Volume, speed and highway classification should not be the only criteria to consider when assigning right of way at a path crossing. The comfort and convenience of the path user, and the unique behavioral characteristics of the path user and motorist alike, must also be taken into consideration.

Regarding behavior, it must be recognized that some path users may have:

- very low delay tolerance
- a strong desire to maintain momentum
- little traffic knowledge (particularly children)
- sometimes a "regulations don't apply to me" mentality

Assigning incorrect priority or being overly restrictive in an attempt to protect the path user can lead to confusion and unsafe practices by both path users and motorists, increasing the potential for a collision.

AASHTO Guide for the Development of Bicycle Facilities (1999)

Page 73:

Operation and Maintenance

The jurisdictions responsible for the operation, maintenance and policing of bicycle facilities should be established prior to construction. In addition to construction costs, operating and maintenance costs should be considered and included in the overall budget for the facility. Neglecting routine maintenance eventually may render bicycle facilities unridable and such

deteriorating facilities may become a liability to the state or community. Bicyclists should be encouraged to report bicycle facilities that are in need of maintenance. A central contact person who can authorize maintenance work should be designated to receive such reports.

A smooth surface, free of potholes and debris, should be provided on all bikeways. Glass, sand, litter and fallen leaves often accumulate on bike lanes, paved shoulders and shared use paths; therefore, regular sweeping is desirable. Pavement edges should be uniform and should not have abrupt drop-offs. Signs and pavement markings should be inspected regularly and kept in good condition, and if determined to be no longer necessary, promptly removed. Highways with bicycle traffic may require a more frequent and higher level of maintenance than other highways.

For shared use paths, attention should be given to maintaining the full paved width and not allowing the edges to ravel. Trees, shrubs and other vegetation should be controlled to provide adequate clearances and sight distances. Trash receptacles should be placed and maintained at convenient locations. Seeded and sodded areas in the vicinity of shared use paths should be mowed regularly. Snow plowing should be used to remove snow from bikeways because de-icing agents and abrasives can damage bicycles. Also, enforcement is often necessary to prevent unauthorized motor vehicles from using a shared use path.

The routine maintenance of roadways and bikeways will usually provide good riding conditions. Several bicycle facility improvements described in this guide can be implemented during routine maintenance activities. Consideration also can be given to adjusting lane widths and providing wider outside curb lanes for bicyclists during restriping operations. The addition of edge lines can better delineate a shoulder, especially at night. When shoulders are resurfaced, a smooth surface suitable for bicycle riding should be considered.

"The Dilemmas of Bicycle Planning" By Paul Schimek was originally presented at the 1996 Joint International Congress of the American and European Associations of Schools of Planning. Dr. Schimek was with the USDOT Volpe National Transportation Systems Center and the MIT Department of Urban Studies and Planning.

http://members.xoom.com/_XMCM/pschimek/dilemmas.htm

See the full document on the web for the bibliographic citations endnotes and cross-references to parts of the document omitted here.

Highlights from Paul Schimek's "Dilemmas of Bicycle Planning"

While they are afraid of being hit from behind, novice bicyclists are insufficiently afraid of other common dangers, and often act in a way that increases these dangers. First, they are insufficiently afraid of cross traffic. Intersections are known to be the greatest source of danger - they are the areas where drivers' intended paths frequently intersect. Riding on the sidewalk or in the wrong direction places the cyclist outside the flow of traffic and into positions where they are not visible or not expected. A bicyclist riding at speed on the sidewalk may suddenly appear in an intersection at the moment a motorist on the parallel roadway is turning right into a side street. In such cases the motorist has the impression that the bicyclist appeared "from nowhere." ...

The paths and trails favored by inexperienced cyclists have their own dangers. Roadway crossings can be hazardous because of insufficient sight distance and confusion about who has the right of way....

The safety hazards of bicycle paths have already been mentioned. They are often too narrow for bicycle use, and much too narrow given their use by pedestrians, roller skaters, and other non-bicyclists....

The other potential hazard of paths is intersections with roadways. The ideal bicycle path runs along a river, canal, or shore line with only grade-separated or fully signalized intersections....

A bicycle path immediately adjacent to a roadway but separated from it ("sidepath") is increasingly recognized as a dangerous type of facility. Cycling on such a path has most of the dangers of using a sidewalk. When the path is on one side of the road only, half of the bicyclists will be riding against traffic, making intersections even more hazardous. The AASHTO Guide to Bicycle Facilities presents a long list of the problems of sidepaths but stops short of recommending against them.

Although bicycle advocates sometimes believe that path construction is vital for getting more people, especially parents and children, interested in bicycling, path use does not build the skills necessary for bicycling in traffic (Forester 1994). Many path users put bicycles on automobiles and drive to the path, ride back and forth, and drive home. They feel confined to the limits of the path. If they leave the path they may in fact put themselves at risk because they do not know basic traffic skills.

Wachtel, Alan & Lewiston, Diana (1994) Risk Factors for Bicycle-Motor Vehicle Collisions at Intersections. ITE Journal September 1994; pp 30-35

The authors analyzed 4 years of Palo Alto, California, police reports for bicycle accidents from 1985 through 1989. The accident incidence was compared to use levels obtained by counting bicyclists on major arterial streets in May 1987.

Excerpts from "Conclusions" pp 35-36:

Bicyclists traveling against the direction of traffic, whether on the roadway or on the sidewalk, and regardless of age or sex, incur much greater risk than those traveling with traffic (on average 3.6 times greater)....

Bicyclists on a sidewalk or bicycle path incur greater risk than those on a roadway (on average 1.8 times greater), most likely because of blind conflicts at intersections. Wrong-way sidewalk bicyclists are at even greater risk, and sidewalk bicycling appears to increase the incidence of wrong-way travel. ...

Bicycling on the roadway in the same direction as adjacent traffic, whether or not bicycle lanes are designated, is not associated with increase accident risk for any [age or sex] group...

These results suggest that urban roadway design - not only bikeway design - must take into account that intersections, construed broadly [to include driveways] are the major point of conflict between bicycles and motor vehicles. Separation of bicycles and motor vehicles leads to blind conflicts at these intersections. It also encourages wrong-way travel, both on sidewalks or paths and on the roadway at either end, further increasing conflicts. Shared use of the roadway in the same direction of travel leads to fewer conflicts and fewer accidents.

Thus the aim of a well-designed roadway system should be to integrate bicycles and motor vehicles according to the well-established and effective principles of traffic law and engineering, not to separate them....

The goal of integration can be promoted through the use of wide, smooth outside lanes that encourage bicyclists to travel on the roadway rather than on an adjacent sidewalk or path....

Sidewalk bicycling adjacent to busy streets with many intersections presents special dangers and should not be encouraged through the construction or designation of bicycle paths parallel to the street...

Sidewalk bicycling is common in residential areas by young children too inexperienced to ride in the street. Since traffic speeds and volumes tend to be lower on these streets and residential driveways are much less busy than business driveways, potential conflicts are reduced, but they are not eliminated. ...

Bicycle Law Amendments

Bicycle advocates have requested some changes in state law to better support bicycling as a means of transportation and recreation. Based on this request, a draft bill has been prepared which includes the policy changes listed below.

Policy Changes in the Draft Bill

- **Allow right-hand signal with right arm?** *(Line 25)*
- **Allow yield at stop sign?** *(Line 43)*
- **Provide an exception for staying right when traveling straight through a right-turn only lane?** *(Line 67)*
- **Use "may" instead of "shall" for use of bicycle path adjacent to a roadway?** *(Line 80)*
- **Provide a speed limit for bicycle on sidewalk or path?** *(Line 94)*
- **Make duration of turn signals uniform for vehicles and bicycles?** *(Line 106)*
- **Don't require a turn signal when stopped in a turn lane?** *(Line 111)*
- **Allow a red taillight option? Allow a flashing red taillight?** *(Line 121)*
- **Allow bicycles on sidewalks except where prohibited?** *(Line 131 & 89)*

Policy Changes in the Proposed Amendment Sheet

- **Require bicycles to operate in the designated direction of traffic?** *(Amendments 1-3)*
- **Require a safety study before requiring bicycles to use bike path adjacent to a roadway?** *(Amendment 4)*
- **Require bicycle headlamps to be approved by the Department of Public Safety?** *(Amendment 5)*

BICYCLE LAW AMENDMENTS

INTERIM COMMITTEE AMENDMENTS AMENDMENT 1 JULY 10, 2000 11:41AM

1.	Page 3, Line 74:	After line 74 insert "(2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic."
2.	Page 3, Line 75:	Delete "(2)" and insert "(3)"
3.	Page 3, Line 79:	Delete "(3)" and insert "(4)"
4.	Page 3, Line 79:	After "roadway." insert "and if determined necessary by a traffic engineering and safety study,"
5.	Page 4, Line 117:	After "lamp" insert "of a type approved by the department which is"

bikeamends bchristie dlarsen