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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 29

Relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

By Senators Risser, Miller, Hansen and Lehman; cosponsored by Representatives Black, Sherman, Mason, Berceau, Pope-Roberts, Ballweg, Pocan, Zepnick and A. Williams.

February 03, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

February 26, 2009 **PUBLIC HEARING HELD**

Present: (0) None.

Absent: (0) None.

Appearances For

- Fred Risser — 26th Senate District
- Spencer Black — 77th Assembly District
- Linda Willsey, Madison
- David Vogt, Madison — Bicycle Federation of Wisconsin
- Bill Hauda, Dodgeville — Bicycle Federation of Wisconsin
- Charles Veenstoa, Racine

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- None.

Registrations Against

- None.

Registrations for Information Only

- None.

March 19, 2009 **EXECUTIVE SESSION HELD**

Present: (0) None.

Absent: (0) None.

Moved by Senator Plale, seconded by Senator Hansen that **Senate Bill 29** be recommended for passage.

Ayes: (4) Senators Holperin, Sullivan, Plale and Hansen.

Noes: (3) Senators Leibham, Kedzie and Grothman.

PASSAGE RECOMMENDED, Ayes 4, Noes 3

Moved by Senator Kedzie, seconded by Senator Grothman that **Senate Amendment** be recommended for introduction.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Kedzie, seconded by Senator Grothman that **Senate Amendment LRBa0141** be recommended for adoption.

Ayes: (3) Senators Leibham, Kedzie and Grothman.

Noes: (4) Senators Holperin, Sullivan, Plale and Hansen.

ADOPTION OF SENATE AMENDMENT LRBA0141 NOT RECOMMENDED,
Ayes 3, Noes 4

Elizabeth Novak
Committee Clerk



JACKET COPY

SENATE BILL 29

An Act to repeal 346.80 (2) (c); to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

Introduced on 03-FEB-2009.

Introduced by Senators **Risser, Miller, Hansen and Lehman**; cosponsored by Representatives **Black, Sherman, Mason, Berceau, Pope-Roberts, Ballweg, Pocan, Zepnick and A. Williams**.



**Linda Willsey
343 W. Wilson St.
Madison, WI 53703**

February 26, 2009

The Honorable Jim Holperin, Chair
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
Room 330 Southwest
Wisconsin State Capitol

Re: Support for Senate Bill 29 ("Car Dooring Bill")

Senator Holperin and members of the committee:

Thank you for the opportunity to speak in support of Senate Bill 29. I am the accidental bicyclist whose lunch break one sunny day last July was interrupted by a car door, an ambulance ride, and a traffic citation. I am grateful that Senator Risser, Representative Black and bicycle advocates throughout Wisconsin have responded so quickly to my request for a new state law that will protect bicyclists from car dooring accidents and unfair treatment by law enforcement officers.

I choose to travel by bike for most of my trips around central Madison, and I know that motorists have the upper hand in the battle for equal access to road space. I tend to give cars and other motor vehicles a pretty wide berth. But narrow bike lanes and urban streets make it challenging to find a safe zone between moving traffic on one side and parked vehicles on the other side. Clearly I wasn't in a safe zone last July when a woman threw open her car door without looking in her mirror or out the window, and clipped my outside right shoulder and right knee. I was ejected over my handlebars and landed on my back and helmet-covered head. There was no damage to the car door and only scratches on my bike. I suffered bruises and a broken back.

I accept that accidents happen, but I don't accept that I was responsible for this accident. Unfortunately, the responding officer decided that someone had to be ticketed if injuries to one party warranted emergency transportation to the hospital. She couldn't find a law that the motorist violated so she decided to ticket me for a little known and rarely enforced law that requires bicyclists to maintain clearance of three feet when passing a parked vehicle. And then she delivered the citation to me in the emergency room while the doctor was examining me and I was waiting for X-rays. She sort of apologized and said it was not a big deal, just a \$10 ticket. For the record, the Madison City Attorney's office dismissed the citation in November, two days before I was scheduled for trial. A witness who was seated in a car immediately behind the scene of the accident stated that the driver's 3-foot door was fully extended and hit the outermost part of my bike and body.

I urge you to repeal the state statute that requires a 3-foot clearance zone for bicyclists and create a new law that places responsibility for preventing car door/bicycle accidents on the people who are opening the door. It's common sense to look before opening a door into traffic, and it's time to make it the law. There is no minimum passing zone for motorists, and it is only fair for our laws to treat bicyclists equally.

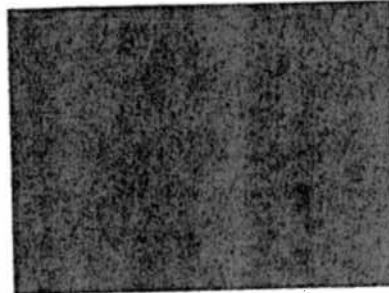
Thank you for your consideration of Senate Bill 29.



July 28, 2008

Franklin Facility
25510 W. 11 Mile Rd.
Southfield, MI 48034-2261

Linda Willsey
343 Wilson
Madison, WI 53703



RE: Our Claim Number:
Our Insured:
Date of Accident: 7-16-08

Dear Ms. Willsey :

We have been presented with a claim for damages which occurred on the above date. The claim was assigned for further investigation.

We have completed our investigation into the above claim for damages. We were unable to determine any legal liability on the part of our insured based on the following reason(s):


According to the Madison, Wisconsin Police, you were cited in violation of Wisconsin Statute 364.80(2)(c) that states:

“Any person operating a bicycle or electric personal mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction allowing a minimum of 3 feet between the bicycle or electrical personal assistive mobility device and the vehicle....”

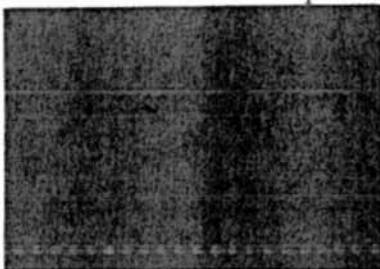
We must therefore, respectfully, deny this claim. We will be unable to consider reimbursement of any kind for the damages.

We regret that we cannot inform you more favorably, but trust you understand our position in this matter. If you have any further questions, please feel free to contact me.

Sincerely,



Stephanie Hill-Ross
Claim Representative
Auto Club Group

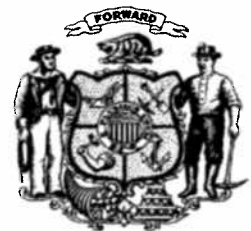


The Auto Club Group

Auto Club • AAA Michigan • AAA Minnesota/Iowa • AAA Nebraska • AAA North Dakota • AAA Wisconsin
Auto Club Insurance Association • Auto Club Trust



WISCONSIN STATE LEGISLATURE



Testimony by Bill Hauda
Chair, Bicycle Federation of Wisconsin Advocacy Advisory Committee
Before the Senate Committee on Transportation, Tourism, Forestry and
Natural Resources
On
Senate Bill 29
26 February 2009

Linda Willsey may be the Wisconsin poster girl of this legislation, but she is definitely not alone. Every year many Wisconsin bicyclists have either close encounters or suffer injuries or death as the result of people in cars carelessly throwing open doors without first looking to make sure it's safe.

It's difficult to get any firm statistical data, because dooring is not reported on uniform traffic citations. Most cases produce insignificant stories in local newspapers, and it's a near impossible job to collect and compile those cases. There's no database that I know of indicating how extensive dooring of cyclists is. So what we have is largely anecdotal. The anecdotal evidence indicates it's pervasive.

I directed two very large bicycle tours – 1,000 cyclists crossing Wisconsin over six or seven days – for more than two decades of my life. During that time, I had an opportunity to visit with many of the participants.

I can tell you that finding a cyclist who has not had a close encounter or an injury from being doored is difficult. Obviously, the cyclists who ended up dead can't talk.

Dooring is actually an international problem. I was in Ontario last year participating in a tandem bicycle rally when a 57-year-old cyclist got doored by a driver who negligently threw open her door on a street in Toronto. When he hit the door, he lost control of his bike, fell into the road and was run over by a truck.

Ontario, by the way, has a law imposing fines on vehicle occupants who door cyclists. It's very similar to the proposal that you have before you. The driver was charged.

Some states also have dooring laws. In addition to fines, North Dakota even imposes points against drivers' licenses for "opening or leaving motor vehicle doors open when unsafe to do so." Oklahoma has a law prohibiting opening or vehicle doors "unless and until it is reasonably safe to do so."

In 2006, a New York cyclist was doored while riding in a bike lane. The driver of the truck was cited for parking in front of a fire hydrant and blocking the bike lane, while the truck's passenger got cited for "opening a door unsafely."

There is sparse statistical information on dooring. I did run across a study that was done in Ann Arbor Michigan of dooring incidents. The listed dead range in age from 19 to 68. Cycling crosses generations. Of those injured. Many suffered like Linda Willsey. But many experienced a worse

fate. The injured included a 36-year old who is now a quadriplegic. A copy of that report is attached for your information.

What we are trying to do here is not to apply some new concept. It's already the law elsewhere and Wisconsin needs to catch up. We're asking you to protect us from irresponsible motorists and passengers.

I don't care if you are driving a subcompact, a regular car, a van, a bus, a semi or a cement truck, drivers and passengers have an obligation to look back or check their rear view mirror before throwing open a door that can injure or kill someone. If they don't care about others, then the law needs to hold them accountable.

Bill Hauda
PO Box 10
Dodgeville. WI 53533
608-935-7106 608-574-4471

Riin's Rants

The Door Zone Project

Many cyclists make the mistake of riding too close to parked cars. This is extremely dangerous. Many cyclists have been seriously injured or even killed because they were riding in the door zone, i.e., close enough to parked cars so that when a car door suddenly swung open, it was in the path of the cyclist. In some cases, the cyclist hit the door and the bicycle stopped but the cyclist continued in motion, flying over the door, landing on the pavement ahead. In other cases, the cyclist hit the door and was knocked over into the path of moving traffic, sometimes right under the wheels of a bus or large truck that could not possibly stop, and the cyclist was crushed. In other cases, the cyclist swerved to avoid the door, but lost control of the bike and fell and was hit or veered into traffic in a panic move and got hit.

These types of accidents are so common, there is a word for them: to be "doored" is to be struck by or to crash into the door of a parked car (or less commonly, a car waiting at a stoplight) as the driver or passenger carelessly flings it open without looking to see if any cyclists are coming. This doesn't have to happen. Obviously, drivers and passengers should not be so careless. But cyclists should not be riding in the door zone.

So why does it happen?

Why do cyclists ride in the door zone? Many are reluctant to ride further out in the traffic lane. Maybe they do not believe they are safe as part of the flow of traffic. But riding in the door zone is the most dangerous place they can ride, as these cases show. Maybe if the lane is narrow, riding out of the door zone means taking the lane, and they feel uncomfortable "inconveniencing" motorists for a brief while. This is not rational. You are not required to die for anyone's convenience. I do not advocate inconveniencing others *unnecessarily*, but safety always comes before convenience.

There is another reason some cyclists ride in the door zone. They may believe they are not. I have read articles about riding out of the door zone that recommend riding at least 3 feet from parked cars. But some car doors are up to 4½ feet long! If a cyclist rides 3 feet from parked cars, he or she is still in the door zone! I don't ride any closer than 5 feet from parked cars, and I'm measuring from the nearest point of my bike toward the cars, not from the center of my bike.

Also, some cyclists face pressure from police or other city officials to ride close to parked cars. There may be bike lanes next to parked cars which are entirely within the door zone. Dana Laird was riding in one of these. Many bike lanes are excellent, but bike lanes next to parked cars encourage inexperienced cyclists to ride in the door zone. If you encounter one, ignore the lane marking, and do not ride closer than 5 feet from the parked cars.

I gathered the information below after an Ann Arbor Bicycle Coordinating Committee meeting at which our Chief of Police was present. He insisted that taking the lane was "madness" and said cyclists should ride close to parked cars until they saw a door opening.

He refused to listen when we told him this was extremely dangerous and cyclists had been killed. We scheduled a follow-up meeting with some other people in the police department. I decided that before that meeting, I would gather as many newspaper accounts of people who had been killed or injured in dooring accidents as I could to present to the police. I wanted to show them with names, dates, locations, etc., that this really was dangerous, if they wouldn't just take our word for it. When we met with the other officers, they were already well aware of how dangerous riding in the door zone was. I was greatly encouraged by that. I gave them the newspaper articles anyway, though I wasn't sure it was really necessary. I suppose it couldn't hurt anyway.

Since I had spent about 50 hours researching and hunting down the articles, I wanted to make the information available to other cyclists to use in their advocacy efforts. If I can save someone some work, great.

The first eleven cyclists were killed; the next five were injured.

Name	Age	Date of Death	Location	What Happened
Brodie, Rosemarie [1]	33	10/28/96	New York, NY	Brodie's bicycle struck open car door, she toppled into street under passing van.
Cox, Lucas [2]	33	9/16/02	New Orleans, LA	Cox swerved to avoid an open car door, lost control of his bike, fell, and was hit by an 18-wheeler.
Hernandez, Samuel [3]	19	5/18/87	Santa Ana, CA	Hernandez's bicycle knocked into traffic by open truck door, struck by passing car.
Karayiannis, Andreas [4]	68	10/4/97	Nicosia, Cyprus	Karayiannis' bicycle hit open car door, he was knocked off balance and fell, and was hit by a passing car.
Laird, Dana [5,6]	36	7/2/02	Cambridge, MA	Laird's bicycle hit open SUV door, she lost control and fell under passing bus.
Provost, Keith Robert [7]	40	6/24/01	Vancouver, BC	Provost's bicycle slammed into open car door, he travelled another 5 meters before landing on his upper body. He died of head injuries the next day.
Slipakoff, Philip [8]	?	1/6/98	New Orleans, LA	Slipakoff's bicycle knocked into path of moving vehicle when door of parked car swung open.
Stallion, Winnie [9]	68	3/6/89	Derby, UK	A car passed her and parked, and as she pulled out to pass the parked car, the driver opened the door and knocked her off her bike. She lapsed into a coma, and two days later she died.
Wong, Brian Thang Yiean [10]	29	7/18/97	Toronto, ON	Wong's bicycle hit open van door, he was thrown into path of school bus.
				Sutherland, a nurse, parked her car in a

Unnamed male cyclist killed by Amanda Sutherland [11]	?	8/15/95	Parkville, Australia	service lane in front of a hospital and opened her door to get out. The cyclist hit the door and fell and was hit by a van. Sutherland was fined AUS\$400 (\$200 for parking in a no-standing area and \$200 for opening her car door, endangering the cyclist).	
Unnamed male cyclist [12]	50s?	8/18/99	Gold Coast, Australia	Unidentified cyclist swerved to avoid a suddenly opened car door, was hit by a bus.	
Name	Age	Date of Injury	Location	What Happened	Injury
Freeman, Ron [13]	?	11/15/00	Toronto, ON	Freeman was struck by a car door and flew under the wheels of an oncoming truck.	crushed pelvis
Hamilton, Tyler [14]	31	8/25/02	Belgium	Hamilton's bicycle collided with a car door.	broken collarbone, facial injuries
Marinelli, Paulo [6]	?	unknown	Cambridge, MA	Marinelli's bicycle smashed into a car door.	ripped rotator cuff, badly bruised head
Riley, David [15]	36	early 1996	Queensland, Australia	Riley's bicycle struck a car door.	now quadriplegic
Unnamed male cyclist [16]	27	10/15/02	Birmingham, UK	An unnamed cyclist collided with a car door.	serious head injuries

References

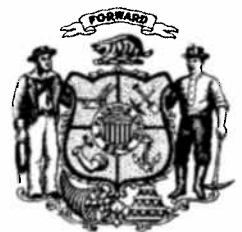
1. Yazigi, Monique P. "The Perils of City Cycling." *The New York Times*, Sunday, November 3, 1996, section 13, p.8.
2. Elie, Lolis Eric. "Cyclists' rights lost in car culture." *The (New Orleans) Times-Picayune*, September 20, 2002, metro, p.1.
3. Anonymous. "Bicyclist fatally struck after being unseated." *Los Angeles Times*, May 19, 1987, Orange County edition, metro, part 2, p.2.
4. Anonymous. "Cyclist killed as car door pushes him into passing car." *Cyprus Mail*, Sunday, October 5, 1997.
5. Rodriguez, Gloria. "Cyclist run over by T bus identified." *The Boston Globe*, Thursday, July 4, 2002, p.B5.
6. Lombardi, Kristen. "A dangerous & now deadly bicycle policy." *The Boston Phoenix*, August 2-8, 2002.

7. Bohn, Glenn and Chad Skelton. "Cyclist dies after slamming into parked car's open door." *Vancouver Sun*, Tuesday, June 26, 2001, p.A6.
8. Dvorak, Petula. "Bicyclists demanding equality on city streets." *The (New Orleans) Times-Picayune*, Friday, March 6, 1998, p.A1.
9. Annable, Lynne. "Mum was a victim of thoughtlessness." *Derby Evening Telegraph*, June 10, 2002, p.6.
10. Anonymous. "Cyclist killed by school bus." *The Toronto Star*, Saturday, July 19, 1997, p.A16.
11. Anonymous. "Bike death nurse fined." *The Daily Telegraph*, Friday, October 11, 1996, local, p.22.
12. Anonymous. "Road Deaths." *Courier-Mail*, Thursday, August 19, 1999, news, p.7.
13. Skinner, Justin. "Cyclists pushing for more lanes for bike riders." *Bloor West Villager*, August 3, 2001.
14. Anonymous. "U.S. cyclist Hamilton injured in training." *Milwaukee Journal Sentinel*, August 28, 2002, sports, 2C.
15. Steele, Selina. "Deadly war of the road." *The (Brisbane) Sunday Mail*, May 11, 1997, news, p.25.
16. Anonymous. "Cyclist injured." *Birmingham (England) Evening Mail*, Wednesday, October 16, 2002, news, p.5.

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WISCONSIN STATE LEGISLATURE



Sen. Holperin,
Chair

FRED A. RISSER

**President
Wisconsin State Senate**



DATE: March 16, 2009
TO: Senate Transportation Committee Members
FROM: Senator Fred Risser *FAR*
RE: Senate Bill 29, "Car Dooring Bike Bill"

At the February 26th public hearing questions arose regarding the responsibility of bicyclists on our roadways. Heidi Frechette from the Legislative Council prepared a memo for the Assembly Transportation committee regarding the same concerns.

I have attached Heidi's memo for your information.

I understand SB 29 will be taken up at the Transportation Executive Session this Thursday. I hope you find this information helpful.

FAR:dc
Attachment



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE JOHN STEINBRINK, CHAIR, ASSEMBLY COMMITTEE ON
TRANSPORTATION

FROM: Heidi J. Frechette, Staff Attorney

RE: Bicyclist Responsibilities Under Wisconsin Statutes

DATE: March 5, 2009

At the February 26, 2009 Assembly Committee on Transportation hearing on 2009 Assembly Bill 59 (AB 59), a discussion arose about the responsibilities that a bicyclist has under Wisconsin law. Members of the Assembly Committee on Transportation requested a memorandum discussing state statutes applicable to bicycles as compared to motor vehicles.

Under current law, a person operating a bicycle must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction and is required to allow a minimum of three feet between itself and a parked vehicle [s. 346.80, Stats.]. AB 59 would eliminate these provisions and place the duty on a person exiting a motor vehicle to exercise due precaution when opening the door to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

Wisconsin law defines a bicycle as "every vehicle propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter." [s. 340.01 (5), Stats.]. A "vehicle" is defined as "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway" [s. 340.01 (74), Stats.]. Since a bicycle and a motor vehicle, including automobiles, are "vehicles" under the law, some of the same rules apply to both [s. 346.02 (4), Stats.].

Examples: Laws Applicable to Bicycles and Motor Vehicles

Bicycles, like motor vehicles, must obey general traffic laws such as yielding to pedestrians in crosswalks [ss. 346.23 and 345.24, Stats.], using proper signals when turning and stopping [ss. 346.34 and 346.35, Stats.], and abiding by traffic-control signals [ss. 346.04 and 346.37, Stats.]. Additionally, like motor vehicles, bicycles may not ride on sidewalks unless allowed by local authorities [s. 346.94, Stats.], must drive on the right side of the roadway [s. 346.05, Stats.], must not drive through a safety zone [s. 346.12, Stats.], must yield to an emergency vehicle [s. 346.19, Stats.], must stop for school

buses [s. 346.48, Stats.], and must adhere to speed restrictions [s. 346.57, Stats.]. Operators of motor vehicles and bicycles are prohibited from driving recklessly, causing bodily harm to another by negligent operation of a vehicle [s. 346.63, Stats.], and injuring another person by operation of a vehicle while intoxicated [s. 346.63, Stats.], and have a duty to report an accident [s. 346.70, Stats.].

Examples: Laws Applicable to Bicycles

Wisconsin law contains special provisions for bicycles that do not apply to motor vehicles. For example, bicycles may not transport packages that prevent the operator from keeping at least one hand on the handlebars, and may not attach themselves to another motor vehicle [s. 346.79, Stats.]. Bicycles may ride two abreast on a roadway if it does not impede the normal and reasonable movement of traffic [s. 346.80 (3) (a), Stats.].

A bicycle, like a pedestrian, must not suddenly leave the curb at an uncontrolled intersection and ride into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield. Additionally, a bicycle, like a pedestrian, must yield the right-of-way to all vehicles upon the roadway when crossing a roadway at a point other than within a marked or unmarked crosswalk [s. 346.25, Stats.] and generally, may not go on the expressway [s. 346.16, Stats.].

Examples: Laws Applicable to Motor Vehicles

Some rules of the road, by their express terms, apply only to motor vehicles or by their very nature would have no application to bicycles [s. 346.02, Stats.]. Motor vehicles must exercise due care in passing a bicycle going in the same direction, allow at least three feet clearance, and maintain such clearance until safely past the bicycle [s. 346.072, Stats.]. A person driving a motor vehicle must also be attentive and therefore shall not be so engaged or occupied as to interfere with the safe driving of such vehicle [s. 346.89, Stats.]. Additionally, a general prohibition against operating or driving a motor vehicle while intoxicated applies only to motor vehicles [s. 346.63, Stats.].

It should be noted that courts often are left to interpret these statutory provisions by looking at the facts of each instance and determining whether the operator of a vehicle carried out his or her duties and responsibilities under the law. However, where the statutes are silent on the duties, the court may look to the common law of negligence to determine if the operator of a vehicle acted in a reasonable manner.

If I can provide further information on this subject, please feel free to contact me at the Legislative Council staff offices.

HJF:jb;wu



Werwie, Cullen

From: McDonald, Ron [rmcdonald@ci.sheboygan.wi.us]
Sent: Tuesday, March 17, 2009 11:09 AM
To: Sen.Leibham
Subject: SB 29

Greetings Sen. Leibham,

Please accept this email as notice of my concern and opposition to SB 29. It is my understanding that Sen. Holperin has called for a vote on this bill to occur during the Transportation Committee meeting on Thursday, March 19th.

My concern and opposition to SB 29 is that the current "3-foot" barrier between parked vehicles and bicycles would be removed thus allowing a bicycle to travel in close proximity to a bus as it is stopped to disembark passengers. A bus drivers line of vision is limited along the edge of a bus. At best, it is difficult for a bus driver to see a bicyclist when they are 3-feet away from the bus. If the bicyclists are allowed to travel in closer proximity to the bus, it is almost certain the driver would not see the bicyclist. Subsequently, the bicyclist will be subjected to a much greater chance of injury and/or death as the bus moves back into traffic.

In summary, I oppose SB 29 as written. I do not support allowing a bicyclist to travel within less than 3-feet of a transit bus. I hereby request that you vote against the bill or at least have the bill amended to keep the current 3-foot barrier as it relates to transit buses.

I expect the Wisconsin Urban and Rural Transit Association (WURTA) may be offering an amendment to SB 29. Please be supportive of any such amendment.

Please don't hesitate to contact me if you have any questions or concerns.

Thank you, in advance, for your assistance.

Ron McDonald, Director
Sheboygan Parking & Transit Utility
608 S. Commerce St.
Sheboygan, WI 53081

920-459-3287

www.sheboygantransit.com



SB 29
folder

date?

Members of the Committee, Mr. Chairman, thank you for this opportunity to address you today. My name is David Vogt, Deputy Executive Director of the Bicycle Federation of Wisconsin. We are an organization of more than 3000 members from across the state of Wisconsin whose passion for all forms of bicycling unites us. My organization is tasked with communicating to you the everyday needs and dangers facing bicyclists on streets across the state. One of the biggest dangers we face, and one that is most frequently echoed by our members, is the threat of being "doored" by a motorist who is unaware that his or her actions may very well injure or end the life of another human being. A car door thrown open at the wrong time can kill or injure a bicyclist upon impact, or it can cause the bicyclist to be thrown from his or her bicycle into the path of oncoming traffic. This has happened to me. It has happened to others in this room, and it has happened to many of our members. If you ride a bicycle for transportation or recreation, the threat of being "doored" is constantly on your mind.

Very often, a "dooring" can occur within the zone of false safety of a marked bike lane. According to the Wisconsin Bicycle Facility Design Handbook, the minimum width required for a parking lane/bike lane combination is 13 feet, with 8 feet designated for parked cars and 5 feet for a bike lane. Given that the average vehicle width is around 6 feet, and the length of most car doors is between 3 and 4 feet, it becomes apparent that a parked vehicle with an open door can easily occupy more 10 of the 13 feet of the shared lane, meaning bicyclists cannot legally operate within the striped bike lane if a 3-foot law is enforced.

Vigilance while riding in traffic is always required. That goes without saying. When riding next to parked cars, it becomes even more critical. Frequently, a bicyclist will look through the windows of parked automobiles to check for occupants who might be getting ready to exit the vehicle. With the increasing popularity of tinted or mirrored automobile windows, this measure of precaution is now eliminated, thereby turning the passing of each parked car into a game of Russian roulette.

While enacting a law will not prevent people from acting in an irresponsible manner, it can serve as an excellent platform for public education. Much like Wisconsin's new "Move Over Law" which alerted Wisconsin motorists about safely passing emergency personnel, this proposed legislation will serve as a launching pad for us to carry out one of our primary objectives: the education of the public on bicycle safety issues. Please help us as we worked to increase public safety and well-being for bicyclists and motorists alike.

In conclusion, I'd like to point out that bicycling adds one billion dollars to Wisconsin's economy each year through manufacturing, retail and tourism. The League of American Bicyclists recently ranked Wisconsin as the second-best state in the country for bicycling, second only to Washington. It is our intention to get Wisconsin ranked #1 before the next survey is released. We invite you to help us in this endeavor by passing this legislation.



Date
?

Summary of Amendment to SB 29

- The current language in SB 29 places the individual in the vehicle entirely at fault for a parked vehicle/bike accident.
- This amendment would share the responsibility of the accident by keeping the 3 foot rule in place while still adding statutory language that requires individuals in vehicles to take "due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle."
- This amendment simply removes the section of the bill that reads "Section 1. 346.80 (2)(c) of the statutes is repealed."
↓ Gary Goyki's group wants amend.
- The Wisconsin Urban & Rural Transit Association (WURTA), the organization that represents all of the public transportation systems in WI, registered neutral on the bill because of their concern with the removal of the 3 foot rule. WURTA supports this amendment and would support SB 29 if this amendment is adopted.

Sheboygan County's Director of Parking & Transit Utility contacted Sen. Leibham on the bill and stated:

"My concern and opposition to SB 29 is that the current "3-foot" barrier between parked vehicles and bicycles would be removed thus allowing a bicycle to travel in close proximity to a bus as it is stopped to disembark passengers. A bus drivers line of vision is limited along the edge of a bus. At best, it is difficult for a bus driver to see a bicyclist when they are 3-feet away from the bus. If the bicyclists are allowed to travel in closer proximity to the bus, it is almost certain the driver would not see the bicyclist. Subsequently, the bicyclist will be subjected to a much greater chance of injury and/or death as the bus moves back into traffic. In summary, I oppose SB 29 as written."