

September 15, 2011

The Honorable Edmund G. Brown, Jr.  
Governor of California  
State Capitol, Suite 1173  
Sacramento, CA 95814



Dear Gov. Brown,

I'm writing on behalf of the California Bicycle Coalition, cosponsor of Senate Bill 910, to urge you to sign this bill into law.

California must enable more residents to choose cleaner forms of transportation, such as bicycling, if we're going to meet the state's ambitious air quality goals. The carbon savings from an auto trip not taken is 0.89 lb. per mile or about 4.5 lb. for a 5-mile bicycle trip. Everyone benefits when more people ride bicycles.

Unfortunately, many Californians who say they want the environmental, health and financial benefits of riding a bicycle don't ride because they say they don't feel safe sharing the road with vehicle traffic. This fear is not unique to Californians. In a recent survey conducted in Portland, Ore. – one of the nation's most bike-friendly places – about 60% of residents expressed similar fears. These results point to the significant potential for increasing bicycle ridership if only we can begin reducing unsafe conditions on the road.

SB 910 provides a way to help make California roads function more safely and thus get more Californians using bicycles for everyday transportation. Just as important, it safeguards those who have no choice, for socio-economic reasons, but to rely on their bicycle as primary transportation to and from work, school and essential services.

*Existing California law gives drivers inadequate guidance for safely passing bicyclists.*

Too many drivers overtake bicyclists too closely. When a passing driver fails to give a bicyclist enough space, the slightest error by the driver or the most minor shift by the bicyclist to avoid trash, broken glass or rough pavement can lead to a collision. About 40% of all bicyclists killed in vehicle collisions die for this reason – this type of collision is the leading cause of adult bicyclist fatalities in California and the U.S. (See the attached news articles about some of the victims of such collisions.)

California Vehicle Code Section 21750 currently requires drivers to overtake other vehicles and bicycles at an unspecified "safe distance," a standard so vague and subjective that it gives drivers no meaningful guidance on how to pass bicyclists safely. Unlike in other policy areas where a regulatory authority interprets law to apply specific standards, in traffic law no such authority exists; drivers are left to figure it out for themselves and we know, tragically, that some choose to pass too closely.

Simply, by making it clear that a motorist must "give three feet" when passing, we are likely to save lives.

*SB 910 provides clear, objective guidance to drivers, with reasonable exceptions*

SB 910 amends Sec. 21750 to specify a minimum passing distance of three feet when a driver overtakes a bicyclist from behind. To accommodate drivers on narrower, two-lane roads and highways, SB 910 authorizes them to cross the solid double-yellow centerline, when it's safe to do so, in order to pass a bicyclist by at least three feet. The bill also gives drivers the option to pass a bicyclist at less than three feet at speeds of 15 MPH or less, recognizing the inherent safety in such slow speeds and the reality of traffic maneuvers in parking lots and at crowded urban intersections.

Furthermore, SB 910 does not change bicyclists' existing responsibilities as roadway users, specifically those California Vehicle Code sections that govern where bicyclists must ride and specify when and how a slow-moving vehicle or bicycle must pull over to let other vehicles pass. (See the attached comparison of existing law and SB 910 provisions.)

In short, SB 910 will not lead to backups caused by law-abiding motorists unable to pass a bicyclist.

*Specified minimum passing distances are nothing new*

The concept of specifying a minimum passing distance for purposes of safety dates back at least to *North v. Vinton* (1936) 17 Cal.App.2d 214, which upheld a jury's finding that a driver had been negligent by failing to allow more than three feet of clearance when passing a bicyclist.

In 1958 (and possibly earlier) Virginia enacted a minimum passing distance of two feet for drivers passing other motor vehicles; North Carolina enacted a similar law in 1973. In 1978 Wisconsin became the first state to require at least three feet of clearance when drivers overtake bicyclists, followed by Minnesota in 1995 and Arizona in 2000. Today, 19 states and the District of Columbia specify three feet as the minimum clearance drivers must give bicyclists when passing from behind. (See the attached list of those states, with links to their laws.)

The California Department of Motor Vehicles, in the *2011 California Driver's Handbook*, encourages drivers to give at least three feet of clearance when passing bicyclists from behind, although this recommendation has no legal standing for purposes of enforcing the state's existing passing law.

The American Association of State Highway Transportation Officials' *Guide for the Development of Bicycle Facilities* specifies five feet as a comfortable operating space for bicyclists. This is the guidance offered to state highway officials throughout the U.S.

Finally, there is precedent in California law for requiring motorists to take special precautions to safeguard more vulnerable road users when passing. Since 2007 California Vehicle Code Sec. 21809 has required drivers on freeways to slow down and move to an adjacent lane when passing stationary highway or emergency or tow trucks.

This July, Caltrans, the California Highway Patrol, Department of Motor Vehicles and California Office of Traffic Safety jointly announced a statewide campaign to educate the public about California's "move over" law. A July 11, 2011, Caltrans press release announcing the campaign quotes DMV Director George Valverde:

*"Our collective goal is that motorists will become more attentive as they drive. With continued cooperative efforts such as the Move Over campaign, we can further improve highway safety."*

And here is how Caltrans quotes CHP Commissioner Joe Farrow:

*"The only way to prevent tragedies from occurring on the side of the road is by giving emergency personnel, highway workers, and the public adequate space."*

The spirit of their statements applies just as directly to safeguarding bicyclists, who are just as vulnerable to motor vehicles and thus deserve comparable protections.

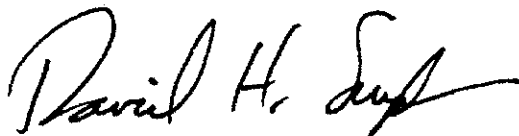
*SB 910 provides a simple, commonsense solution to an important problem*

SB 910 does not create a new government program or otherwise impose any costs on state or local government or taxpayers. Because it provides a specific standard for safe passing in place of the existing vague standard, the bill also does not burden law enforcement with any additional duties. In fact, SB 910 simplifies and enhances enforcement efforts by providing law enforcement and courts with prima facie evidence of a violation.

California is the second and largest state to adopt Complete Streets laws and policies that cover every public roadway. But we're still years away from ensuring that all public roads in California are designed, built and operated to safely and efficiently accommodate all road users. In the meantime, we need rules to help Californians safely share the public roads as they're currently configured.

Californians who drive and ride bicycles will benefit from your signature to enact SB 910's common-sense provisions. If you have questions about the bill, please contact me anytime at 916-251-9433.

Respectfully,

A handwritten signature in black ink that reads "David H. Snyder". The signature is written in a cursive, flowing style.

Dave Snyder  
Executive Director

cc: Sen. Alan Lowenthal