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# The 3 ft. Law: Lessons Learned from a National Analysis of State Policies and Expert Interviews



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This research does not necessarily reflect the official views or policies of the New Jersey Department of Transportation or anyone who provided information for this research. The author is solely responsible for the content of this report, including errors and omissions.

## **EXECUTIVE SUMMARY**

In the state of New Jersey the law affords bicyclists the same rights as motorists. Throughout the state thousands of bicyclists take to the roads each day and exercise this liberty. Unfortunately, this liberty has come with a price. Bicyclists on New Jersey's roadways are frequently endangered and many have been severely injured or killed. A 2009 report by the National Highway Traffic Safety Administration (NHTSA) revealed that 2.2% of the total traffic fatalities in New Jersey were bicyclists. This surpasses the national average of 1.9% and places New Jersey in the bottom quarter of bicycle safety rankings.<sup>1</sup>

Due to the significant number of bicyclist fatalities and injuries that occur as a result of accidents with motorists, bicyclists in many states, including New Jersey, are demanding the adoption of a Three-Foot Law. The Three-Foot Law (herein referred to as "3 Foot Law") requires motorists approaching a bicyclist traveling in the same direction to provide a minimum passing distance of three lateral feet between the vehicle and the bicyclist. Although some advocates are in opposition to the 3 Foot Law, many advocates vehemently support it, believing that the "minimum" distance is critical to protecting bicyclists. Justification for additional protection has also been shown in recent studies.

Recognizing the importance of providing additional protections for bicyclists, and introducing measures to prevent and reduce bicycle injuries and fatalities in New Jersey, lawmakers and bicycle advocates have supported the adoption of the 3 Foot Law. In May 2009, New Jersey Assemblywomen L. Grace Spencer and Linda Stewart, and Assemblyman Ruben J. Ramos, Jr., with co-sponsorship by Assemblymen Rudder and Moriarty, introduced Bill A3912, the "Three-Foot Passing Provision", to the state legislature. This bill would require motorists to maintain a minimum three foot passing distance when overtaking bicycles.<sup>2</sup> The bill was passed by the Assembly in June 2009 and was later referred to the Senate Transportation Committee for approval. The bill, now Bill A1020, has been reported out of the Assembly Committee, 2<sup>nd</sup> reading.

The 3 Foot Law requires motorists to provide a minimum passing distance of three lateral feet between the motor vehicle and a bicyclist traveling in the same direction. This provision is referred to by various names across states and advocacy groups. Some commonly found examples include: the Three Foot Passing Law, the Three Foot Law, the Safe Passing Law and the Three Feet for Safe Passing Law.

The following is a summary of key findings from the analysis:

- Currently, 20 states have implemented the 3 Foot Law. These states are: Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Louisiana, Maine Maryland, Minnesota, Mississippi, Nevada, New Hampshire, Oklahoma, Tennessee, Utah, and Wisconsin.
- The purpose of the 3 Foot Law is to enumerate the distance required to safely pass a bicyclist and to detail the potential penalties for infraction. The penalty for violating the 3 Foot Law is a civil penalty typically entailing a monetary fine. The severity of the monetary penalty varies by state.
- The scope of the 3 Foot Law has been expanded in some states. Modifications and additions to the law include: further regulation of the speed of motorists, inclusion of other classes of road

user, and requirements for state agencies to provide educational programs. In some cases, states have prescribed varying passing distances depending on the motor vehicle's travel speed.

- The chief benefits of implementing the 3 Foot Law are an increased level of safety for bicyclists and increased awareness that bicyclists are legitimate road users. The impetus for the implementation of the 3 Foot Law in many states is the fatality of a bicyclist caused by a collision with a passing motorist. Setting the concrete standard of three feet establishes a bicyclist's right to space and potentially improves their interactions with motorists.
- The intent of the 3 Foot Law is to improve the safety of bicyclists across the nation. However, the effectiveness of the law has been criticized by some bicycle advocates. The primary perceived shortcomings of the law include: difficulty of enforcement, lack of education and awareness of the law, and the rigid delineation of road space. Some states have also carved out caveats and technicalities within the legislation that render it virtually ineffective.
- Many states report little to no enforcement of the 3 Foot Law. In many cases, a citation may be given only after a collision with a cyclist has occurred. Even under this circumstance issuance of a citation it is not definite.
- Advocates and officials repeatedly stress that the 3 Foot Law is used more as an educational tool to provide safe practices than as a means to punish negligent motorists.
- Media campaigns and structured training programs regarding the 3 Foot Law and bicycle safety have been crafted to maximize the law's impact as an educational tool.
- In addition to difficulties of enforcement and education, some bicyclists and advocacy groups believe that the distance of three feet simply is not enough to safely pass a cyclist at some speeds. In effect, the 3 Foot Law may encourage drivers to pass too closely.
- In addition to the difficulties in enforcement, the effectiveness of the 3 Foot Law may be limited both by overly specific legal language as well as the limitations on when penalties may be incurred by those failing to heed the law.

Research conducted on bicycle safety legislation in the U.S. has revealed both similar and supporting legislation that has been passed in various states. The alternative and supportive policies outlined in this report include: alternative distance requirements, safe passing and due care provisions, vulnerable user laws, distracted driving laws, dooring measures, red light exemptions, and cyclist anti-harassment laws. Europe and Canada also provide progressive bicycle safety policies that could inform potential future legislation in the U.S.

- Some states have sought to pass four-foot and five-foot passing laws.

- Oregon’s state traffic ordinance defines safe distance for passing bicyclists to be, “sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver’s lane of traffic.”<sup>3</sup>
- Virtually all states have language in the traffic code regarding overtaking another vehicle that requires motorists to pass at a “safe distance” or with “due care.” Because there is ambiguity in these statements, enumerating a distance could increase the level of safety for the cyclist by providing a legally protected space on the road. Most states that have adopted the 3 Foot Law do so by expanding upon existing safe passing and due care provisions in the traffic ordinances.
- The Vulnerable User Law is designed to protect the safety and rights of bicyclists, as well as pedestrians. The purpose of the Vulnerable User Law is to increase the legal penalties for drivers found guilty of inattentive driving that results in the injury or death of a vulnerable user. The Vulnerable User law is a middle ground between charges of negligent homicide and a traffic citation. Currently, six states have successfully passed Vulnerable User Laws: Nevada, Oregon, Washington, Illinois, Delaware and New York.
- Distracted Driving laws range in specific provisions, but generally prohibit drivers from text messaging, e-mailing, or using a mobile phone. Currently six states and the District of Columbia prohibit hand held cell phone use while driving. These states are: California, Connecticut, New Jersey, Nevada, New York, and Oregon. Nineteen states and the District of Columbia ban texting while driving, while twenty one states and the District of Columbia ban all cell phone use for novice drivers. Illinois and Washington State prohibit cell phone use while in a construction zone or school zone.<sup>4</sup>
- The Unchanging Red Light Law (also termed Dead Red or Red Light Exemption) is a provision that allows bicyclists to proceed through a red light that will not change. At many intersections, a bicyclist cannot trigger the traffic signal to change, creating a potentially unsafe situation for the stranded bicyclist, and potential traffic congestion for other vehicles.
- Red Light Exemption laws have been passed in various states applying to motorcycles, a provision to explicitly include bicyclists was first passed in 2010 in Minnesota.<sup>5</sup> Other states that have passed the law are: Virginia; Tennessee and Kansas.
- The issue of dooring, when a motorist opens their vehicle door into the travel space of a cyclist, has been specifically addressed in legislation in Oregon, Wisconsin, Maryland and Massachusetts.
- Many states have passed anti-harassment provisions. These ordinances protect cyclists from motorist who intentionally drive too close or throw an object at a cyclist as they pass them in order to frighten or cause harm to the cyclist.

- Data from 2008 shows the mode share for both pedestrian and bicycling use in the U.S to be only 3.5% compared 51% in the Netherlands, 33% in Germany, and 24% in the U.K.<sup>6</sup> An article published in 2003 in the *American Journal of Public Health* asserts that “per trip cycled, American bicyclists are twice as likely to get killed as German cyclists and over three times as likely to get killed as Dutch cyclists.”<sup>7</sup>
- Currently, the Netherlands and France have implemented 1 meter passing requirements (roughly equivalent to three feet) and Spain has enacted a 1.5 meter (roughly equivalent to 5 feet) passing requirement. Similar to the U.S., bicycle advocates in the United Kingdom have started the 3-Foot Please safety campaign. In May of 2010, Nova Scotia was the first Canadian province to legislate a 3 Foot Law.<sup>8</sup>

There is a disagreement amongst advocates on the value of the 3 Foot Law. Some see it as a useful educational tool that increases the awareness of motorists on the necessity to share the road and encourage more cycling as a mode of transport. Others claim that the 3 Foot Law is counterproductive and has negative effects on efforts to share the road and increase the safety of bicyclist.

- Advocates of the 3 Foot Law find it to be a valuable tool for increasing bicycle safety and educating drivers on sharing the road. One advocate noted that being hit by a motorist from behind is far from the top cause of bicycle accidents, yet it is one of the top fears of non-cyclists. Therefore, one of the primary benefits of the 3 Foot Law is to make non-cyclists feel more comfortable getting on a bike. This in itself yields safety benefits, as the best way to decrease risk is to increase the number of people bicycling. Greater numbers of cyclists makes motorists more likely to expect their presence and become accustomed to sharing the road.
- Not all bicycle advocates are supportive of the 3 Foot Law. Many view it as a feel good law that is not very practical in reality. They claim that the law does not lead to any noticeable change in motorist behavior. In addition, they claim that three feet is too close to safely pass a cyclist. Some advocates fear that these types of laws can often create more of a tension between motorists and bicyclists. Another criticism is that the 3 Foot Law runs counter to other important bicycle integration concepts such as road narrowing and shared space, because it encourages roads to be wider to allow motorists to easily give three feet to bicyclists.

The shared experiences of the states, highlighted in this study, reveal a series of emerging trends. These trends identify the common players, sources of support, and sources of opposition found during a 3 Foot Law’s legislative process. The states’ shared experiences also highlight many of the potential struggles and victories bicycle advocates can expect after the establishment of a 3 Foot Law. This chapter details the methodologies used to create a large and unified support base, overcome sources of opposition, and successfully implement strategies to both establish a 3 Foot Law and make it an effective tool to encourage bicycle safety after passage.

- The most important element to emerge from the case studies was the importance of garnering a wide breadth of support from various stakeholders throughout the state. The key players



identified throughout the study include: bicycle and pedestrian advocacy groups, state Departments of Transportation, local and state police departments, and state legislators. In addition, advocates in some states were successful in reaching out to other partners such as public health and environmental advocacy groups.

- In a large portion of the case studies, the impetus behind attempting to establish a 3 Foot Law has been the unfortunate death of a cyclist. Many states have used an otherwise tragic situation as a powerful tool to affect change. Testimony from family and friends who have lost loved ones has proven to be an extremely effective strategy in both raising awareness and generating support.
- Many states have undertaken e-mail and letter writing campaigns urging their local representatives to support the 3 Foot Law.
- Organized group rides were also a strategy employed in many of the case studies. These rides offer both an opportunity for media coverage and a chance to demonstrate the political capital of the bicycling community through strength in numbers.
- Lobbyists have also been employed as a means of gathering support for the 3 Foot Law. Lobbyist offer both political connections and the expertise to steer advocates through the pitfalls of the legislative process.
- Visible displays such as bumper stickers, posters and cycling jerseys have been one of the most widely used tools to educate the public of the 3 Foot Law.
- Billboards and the use of public service announcements (PSAs) are tools that advocates have utilized to reach wider audiences in their states.
- Advocates in some states have benefited from the participation of state agencies in efforts to educate and increase awareness of the 3 Foot Law. Content related to bicycle safety have been added to the driver education curriculum in many states.
- Funding is crucial for any education and awareness measures to succeed. The case studies have demonstrated that often the lack of funding has hindered educational opportunities.
- Police also need to be educated on what the provisions of their respective state's 3 Foot Law entail in order to legitimize the prospect of enforcement. The case studies demonstrate mixed results regarding outreach to law enforcement. Most commonly, advocates develop training manuals or handouts to be distributed to the police departments.
- The case studies demonstrate that police have sparingly enforced the 3 Foot Law. There have also been very few quantitative mechanisms developed to ascertain whether the 3 Foot Law has been a success. Yet, many advocates have nonetheless declared that the 3 Foot Law has been a success in improving bicycle safety in their states.

- However advocates claim that the lack of enforcement and formal success measures should not be taken as evidence the 3 Foot Law's ineffectiveness. They point out that the success of the law is that it provides an educational opportunity.
- Some advocates claim the 3 Foot Law has also established a foundation to build upon and showcases an attempt to achieve greater protections for cyclist and pedestrians. In addition, the 3 Foot Law's legislative process provides a rallying point for the cycling community.

From this study there are a series of recommendations for both advocates who support the 3 Foot Law and wish to establish one in their state and for advocates who do not support the 3 Foot Law and seek other measures to increase bicycle safety in their state.

- The 3 Foot Law carries the expectation of minimal enforcement. This is not to say that the law should be written in a way that does not grant significant safety provisions to cyclists that can be enforced. The policy language should be comprehensive, explicit in its terms, and sufficiently substantial to provide cyclists with valuable safety measures.
- Language similar that found in the New Hampshire law provides an excellent example of the sort of clear and strong language advocates should strive for in their attempts to establish a 3 Foot Law. The three foot distance seems to be derived from the amount of space the average human requires to safely signal while operating a bicycle. The number is not a derived from statistics on bicycle safety. The more space a cyclist can be granted, the safer he will be. Provisions providing greater distance when vehicles are travelling at higher speeds are preferable.
- We have seen that misperception is the strongest barrier to establishing a 3 Foot Law. A tool to relieve these misperceptions can be removed by careful choice of language and a thorough set of provisions. A policy should address concerns such as how to handle passing bicycles in no passing zones by writing in specific yellow line exemptions in these situations.
- Interviews with the various state advocates that have successfully passed 3 Foot Laws have demonstrated that, often, it only takes one individual to derail months of hard work during the legislative process. It is extremely important for advocates to understand their respective legislative processes as well as the key players involved from the outset. Advocates should target members of their legislature's transportation committees early in the process. It is also vital to identify likely supporters and opponents.
- Advocates should also try to address funding considerations in the language of the policy. The case studies have demonstrated that after the 3 Foot Law has been passed, follow up languishes; the law is buried in the traffic code rather than being drilled into the consciousness of motorists. Only extensive education and awareness campaigns can achieve this kind of public awareness. These types of campaigns require funding. Advocates should attempt to secure funding and

participation of state agencies to facilitate education and awareness programs. This can be facilitated through the language of the legislation.

- According to advocates who oppose the 3 Foot Law, three feet is not a magic number that determines if a cyclist is safe or not. The 3 Foot Law places a number inside the motorist's head that may actually be unsafe. Oregon, often the nation's leader in progressive biking policy, provides a stronger standard for states to follow. There, the distance for safe passage is defined by the motorist's determination of how much space they must give a cyclist in order to pass them clearly and safely in the circumstance where a cyclist fell into the roadway.
- To be truly effective this type of safe passing requirement should be supported by a Vulnerable User Law. The Vulnerable User Law can be explained quite simply in the legislation—the person operating the heaviest vehicle is responsible to operate their vehicle in such a manner that they are ensuring the safety of the more vulnerable users with whom they are sharing the road. Simply, if a motorist hits a cyclist, the motorist is at fault; if a cyclist hits a pedestrian, the cyclist is at fault.
- Bicycle Advocates opposed to the 3 Foot Law should seek policies that move away from delineating specific sections of the road where bicycles and cars belong. Operators of both vehicles need to become more comfortable sharing this space together.

## **CHAPTER 1: INTRODUCTION**

In the state of New Jersey the law affords bicyclists the same rights as motorists. Throughout the state thousands of bicyclists take to the roads each day and exercise this liberty. Unfortunately, this liberty has come with a price. Bicyclists on New Jersey’s roadways are frequently endangered and many have been severely injured or killed. A 2009 report by the National Highway Traffic Safety Administration (NHTSA) revealed that 2.2% of the total traffic fatalities in New Jersey were bicyclists. This surpasses the national average of 1.9% and places New Jersey in the bottom quarter of bicycle safety rankings.<sup>9</sup>

Due to the significant number of bicyclist fatalities and injuries that occur as a result of accidents with motorists, bicyclists in many states, including New Jersey, are demanding the adoption of a Three-Foot Law. The Three-Foot Law (herein referred to as “3 Foot Law”) requires motorists approaching a bicyclist traveling in the same direction to provide a minimum passing distance of three lateral feet between the vehicle and the bicyclist. Although some advocates are in opposition to the 3 Foot Law, many advocates vehemently support it, believing that the “minimum” distance is critical to protecting bicyclists. Justification for additional protection has also been shown in recent studies.

Recognizing the importance of providing additional protections for bicyclists, and introducing measures to prevent and reduce bicycle injuries and fatalities in New Jersey, lawmakers and bicycle advocates have supported the adoption of the 3 Foot Law. In May 2009, New Jersey Assemblywomen L. Grace Spencer and Linda Stewart, and Assemblyman Ruben J. Ramos, Jr., with co-sponsorship by Assemblymen Rudder and Moriarty, introduced Bill A3912, the “Three-Foot Passing Provision”, to the state legislature. This bill would require motorists to maintain a minimum three foot passing distance when overtaking bicycles.<sup>10</sup> The bill was passed by the Assembly in June 2009 and was later referred to the Senate Transportation Committee for approval. The bill, now Bill A1020, has been reported out of the Assembly Committee, 2<sup>nd</sup> reading.

The objective of this study is to document the current state of knowledge regarding the 3 Foot Law, and highlight its perceived strengths, weaknesses, and overall effectiveness in protecting bicyclists. This effort provides support for the identification and analysis of legislation and policy intended to protect bicyclists from motorists in New Jersey.

The research team conducted a review of national literature on the 3 Foot Law and other comparable national and international bicycle laws and policies (e.g., Vulnerable Users Law, Distracted Driving Law, and Dooring Law). This task was performed to assess the law’s overall effectiveness in reducing bicycle-vehicular crashes and to inform subsequent work. The research team conducted 23 interviews with 20 bicycle advocates and 3 nationally recognized bicycle experts. Interviews were conducted with bicycle advocates from each of the twenty states that have passed 3 Foot Laws to document best practices and to understand barriers and challenges associated with passing such legislation. Interviews focused upon the value, effectiveness, and perceived shortcomings of each state’s respective law. Researchers identified advocates through the use of 3feetplease.com website—a grassroots campaign devoted to advocating on behalf of the 3 Foot Law.

This study is organized into a series of chapters:

**Chapter One: Introduction** - This chapter establishes the context for which this study was undertaken.

**Chapter Two: The Three-Foot Law** - This chapter provides an in-depth analysis of the 3 Foot Law's objectives, benefits, and perceived shortcomings (i.e., enforcement and education) according to the current state of national literature on the topic.

**Chapter Three: Comparable National and International Bicycle Laws and Policies** - This chapter identifies comparable national and international laws and policies and includes a brief overview of international bicycle safety campaigns and laws with specific focus on European and Canadian cities.

**Chapter Four: Interviews with Bicycle Advocates in States That Have Passed the Three-Foot Law** - This chapter includes summaries of the interviews conducted with bicycle advocates from states with 3 Foot Laws.

**Chapter Five: Interviews with National Bicycle Experts** - This chapter highlights interviews with nationally recognized bicycle experts and advocates. Interviews with bicycle experts and advocates were conducted to gain a national perspective of the law's merit.

**Chapter Six: Emerging Trends and Strategies** - This chapter outlines key findings and provides an assessment of common and distinct elements found in the experiences of bicycle advocates who have successfully pushed their legislature for a 3 Foot Law.

**Chapter Seven: Recommendations** - This chapter presents recommendations for both advocates that support, and those who do not support the establishment of a 3 Foot Law.

**Chapter Eight: Conclusion** - This chapter documents the results of this study and identifies the potential next steps in the research.

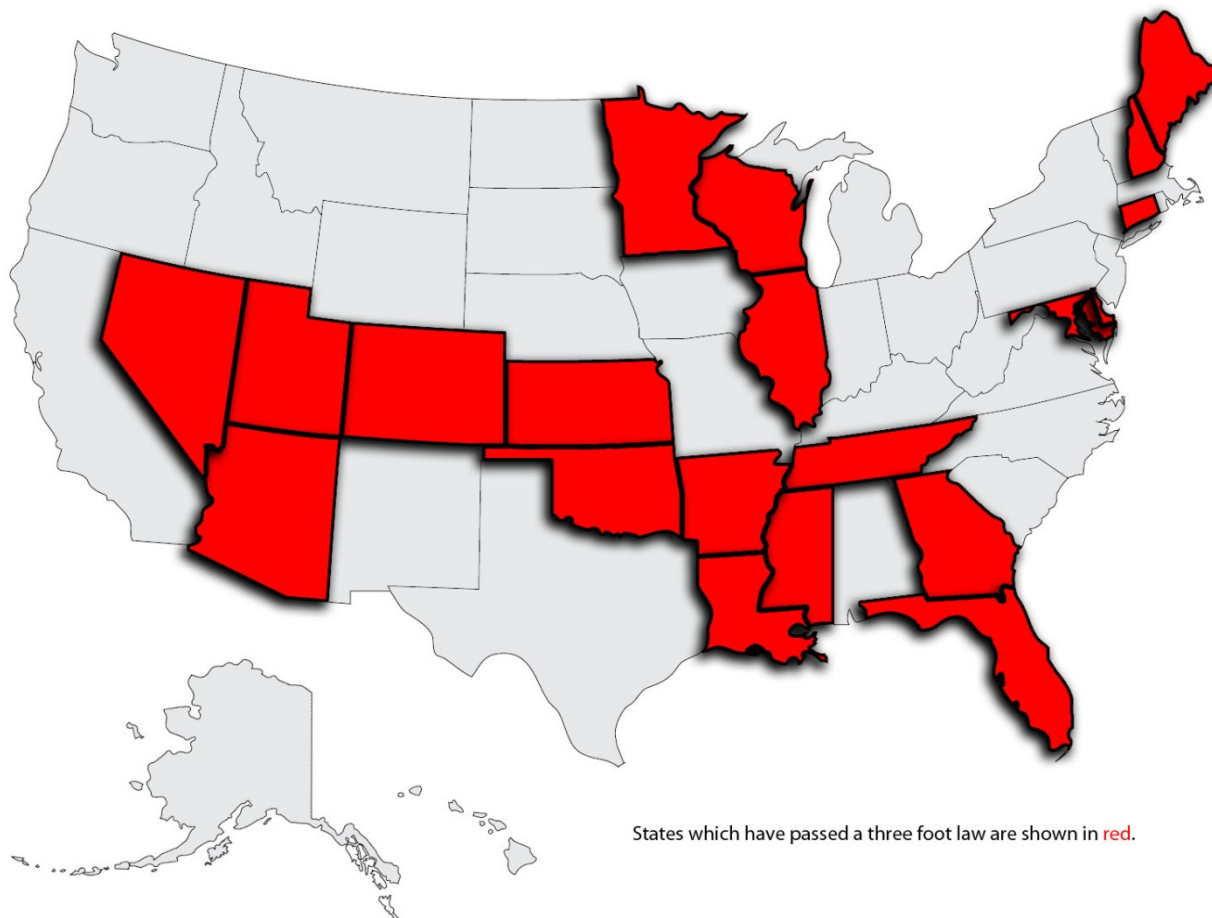
## CHAPTER 2: THE THREE-FOOT LAW

This chapter outlines the definition, benefits, and perceived shortcoming of the 3 Foot Law. The ideas presented in this chapter are based on interviews with bicycle advocates, information available from bicycle advocacy groups and coalitions, and the specific language of the states' statutes.

### Definition

The 3 Foot Law requires motorists to provide a minimum passing distance of three lateral feet between the motor vehicle and a bicyclist traveling in the same direction. This provision is referred to by various names across states and advocacy groups. Some commonly found examples include: the Three Foot Passing Law, the Three Foot Law, the Safe Passing Law and the Three Feet for Safe Passing Law.

The following 20 states have implemented the 3 Foot Law as of December of 2011: Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nevada, New Hampshire, Oklahoma, Tennessee, Utah, and Wisconsin.



Where the 3 Foot Law has been enacted, this occurred by way of amendment to existing statutes within the state's traffic code. Of the twenty states that have passed the law, the legal language defining the provision is largely consistent; at a minimum, each provision contains language which defines safe passing distance to be three feet. The Arizona Revised Statute, section 28-735, exemplifies the language commonly found in amendments throughout the twenty states. The Arizona statute states:

*When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.<sup>11</sup>*

The purpose of the 3 Foot Law is to enumerate the distance required to safely pass a bicyclist and to detail the potential penalties for infraction. The penalty for violating the 3 Foot Law is a civil penalty typically entailing a monetary fine. The severity of the monetary penalty varies by state. For example, the Arizona's penalty structure consists of a \$500 fine if the bicyclist sustains serious injury. The fine increases to \$1000 in a collision resulting in the death of a bicyclist.<sup>12</sup> The language of this ordinance implies that a motorist cannot be fined for violating the ordinance unless there is an actual collision with a bicyclist.

In contrast, New Hampshire prescribes a \$100 fine for any violation of the ordinance, regardless if there is a collision or a resulting injury.<sup>13</sup> Likewise, New Jersey's draft legislation proposes a \$100 fine for violation with no collision or injury necessary.<sup>14</sup> The traffic ordinance in Florida specifies a mere \$60 penalty for violation of the law.<sup>15</sup> Overall, the penalty for violation of the 3 Foot Law varies widely depending on the state.

## **Modifications and Additions**

In addition to differences between penalty structures for a violation, the scope of the 3 Foot Law has been expanded in some states. Modification and additions to the law include: further regulation of the speed of motorists, inclusion of other classes of road user, and requirements for state agencies to provide educational programs.

A common modification of the 3 Foot Law is to account for the speed differential between motorists and bicyclists. In New Hampshire, the 3 Foot Law increases the minimum passing distance required for motorists traveling at speeds in excess of 30 miles per hour. The statute, titled "Drivers to Exercise Due Care When Approaching Bicycles" states, "the distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour."<sup>16</sup> Slightly different is the language relating to travel speed included in legislation recently defeated in California. That legislation attempted to limit the speed in which a vehicle can pass to 15 miles per hour above the travel speed of the bicyclist.<sup>17</sup> This legislation passed the California Senate and Assembly; however the bill was vetoed on October 7, 2011, by Governor Jerry Brown largely based upon this provision.<sup>18</sup>

Currently, the Bicycle Alliance of Washington is lobbying the Washington legislature to pass a Mutual Responsibilities Bill. This bill defines safe passing distance to be three feet when the motorist is traveling

less than 35 miles per hour; however, when motorists are traveling at speeds above 35 miles per hour, they are required to provide five feet of lateral separation.<sup>19</sup> Since January of 2011, the Mutual Responsibilities Bill has been tabled in the House Committee. Similarly, bicycle advocates in Iowa are currently supporting legislation that would require five feet of separation regardless of travel speed.<sup>20</sup>

A few states have expanded the 3 Foot Law to protect user groups in addition to bicyclist. In Maine, an amendment was made to the traffic ordinance which expands the three foot protection to roller skiers.<sup>21</sup> In Maryland, the ordinance was expanded to apply to motor scooters and electric personal assistive mobility devices (EPAMD).<sup>22</sup> Similarly, the 3 Foot Law in Wisconsin was also expanded to protect EPAMDs.<sup>23</sup>

In May of 2011, Nevada passed a 3 Foot Law that extends protection to electric bicycles. This law took effect in Nevada as of October 1, 2011. The ordinance states:

*If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle or electric bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle or electric bicycle.*<sup>24</sup>

Another addition found in some states' 3 Foot Laws is an explicit requirement for the state to provide educational programming. For instance, the Louisiana House Bill 725 from the 2009 legislative session summarizes, "to enact R.S. 32:76.1, relative to bicycles; to provide a method by which drivers of vehicles shall pass bicyclists; to provide for penalties; to provide for publications, signage, and a public awareness campaign; and to provide for related matters."<sup>25</sup> The law also stipulated the Department of Public Safety and Corrections - Office of Motor Vehicles provide a summary of the new law in any instructional publications. The Louisiana Department of Transportation and Development is required to place signage in areas with high bicycle traffic in order to educate motorists on the requirement to share the road. The last component of the bill requires the Louisiana Highway Safety Commission to "engage in a public awareness campaign."<sup>26</sup>

## **Benefits**

The chief benefits of implementing the 3 Foot Law are an increased level of safety for bicyclists and increased awareness that bicyclists are legitimate road users. The impetus for the implementation of the 3 Foot Law in many states is the fatality of a bicyclist caused by a collision with a passing motorist. Implementing the 3 Foot Law is a tangible measure to demonstrate a commitment to safety for all road users. This is congruent with New Jersey's goal to reduce traffic fatalities, as articulated in the 2010 Highway Safety Plan by The Division of Highway Traffic Safety in New Jersey.<sup>27</sup>

Setting the concrete standard of three feet establishes a bicyclist's right to space and potentially improves their interactions with motorists. Previously, a motorist may have been unsure of the minimum distance required to make a bicyclist feel safe as they pass. Increasing bicycle safety on roads, or even the perception of improved safety, can lead to an increase in the number and scope of bicyclists within the



community. The 3 Foot Law may also help support Complete Streets policies throughout the state by making roads accessible and accommodating to both bicyclists and motorists.

## **Perceived Shortcomings**

The intent of the 3 Foot Law is to improve the safety of bicyclists across the nation. However, the effectiveness of the law has been criticized by some bicycle advocates. The primary perceived shortcomings of the law include: difficulty of enforcement, lack of education and awareness of the law, and the rigid delineation of road space. Some states have also carved out caveats and technicalities within the legislation that render it virtually ineffective.

## **Enforcement**

The effectiveness of a policy is a function of awareness and enforcement. Many advocates of the 3 Foot Law emphasize that the law is used primarily as an educational tool rather than as an enforcement mechanism to punish motorists. One of the main critiques of the law is that it is virtually unenforceable in practice and difficult to measure. Currently, traffic ordinances in all states require that motorists pass bicyclists either with “due care” or at a “safe distance.” A common sentiment of 3 Foot Law advocates is that if these provisions were followed and enforced, there would not be a need to delineate a minimum passing distance.

While direct enforcement of the 3 Foot Law is challenging, the implementation of the law can lead to an increased opportunity to train police officers on bicycle safety and the enforcement of bicycle related laws. In Massachusetts, all new police officers are required to be trained on bicycle-related laws, injuries, dangerous behavior by bicyclists, motorist actions that cause bicycle crashes, and motorists intentionally endangering bicyclists. The advocacy group, MassBike, developed training curriculum and work in tandem with police departments to provide this training.<sup>28</sup> Similarly the Florida Bicycling Association coordinated with local police departments to produce training videos on bicycle safety laws, as well as recommendations on how to enforce the law.<sup>29</sup> Despite these measures, enforcement and citations of the 3 Foot Law often occurs post-collision, thereby limiting its preventative effect.

## **Education**

Advocates and officials repeatedly stress that the 3 Foot Law is used more as an educational tool to provide safe practices than as a means to punish negligent motorists. Framing the law primarily as an educational tool acknowledges the difficulty of measurability and enforcement. While advocates agree that the promotion of the law as educational tool is important, they also feel that not enough education is being done nationwide, with a few notable exceptions. For example, the national organization, “3-Feet Please”, provides considerable advocacy information and resources on various state efforts via its website. The “Give Me Three” campaign in Los Angeles is run by the California Bicycle Coalition, a bicycle advocacy group, in conjunction with the city. The campaign promotes a three feet safe passing distance.<sup>30</sup> Additionally, the Cascade Bicycle Club Education Foundation, which provides bicycle education programs and consulting services to Seattle area communities, has launched a “Give Three Feet” campaign.<sup>31</sup> Bicycle safety advocacy groups and local governments use a variety of tools to raise awareness including: radio public service announcements, Share the Road/3-Feet Law license plates, 3-

Feet Law bumper stickers, YouTube videos, billboard advertising as well as branded cycling gear and clothing. Despite these efforts, more education is needed in order for the law to be effective.

### **Shared Road Space**

In addition to difficulties of enforcement and education, some bicyclists and advocacy groups believe that the distance of three feet simply does not provide enough space to safely pass at some speeds. In effect, the 3 Foot Law may encourage drivers to pass too closely.<sup>32</sup> Similarly, mandating a specific measurable distance can be perceived as dividing the road space between users, rather than creating shared space between motorists and bicyclists. In general, some transportation planners theorize that increasing traffic regulations and rules puts less responsibility road on users to make safe decisions. Applying this logic to the stipulations of the 3 Foot Law, it could be inferred that motorists can act in any manner around bicyclists, as long as they are three feet away.

### **Legal Effectiveness**

In addition to the difficulties in enforcement, the effectiveness of the 3 Foot Law may be limited both by overly specific legal language as well as the limitations on when penalties may be incurred by those failing to heed the law. One example where the law may be overly prescribed is in Maryland where the 3 Foot Law contains three subsections narrowing the circumstances when a motorist is considered to be in violation of the law. The law stipulates first that the bicycle, EPAMD, or motor scooter rider must ride to as far right in the roadway as possible and use a bike lane or “shoulder paved to a smooth surface” when applicable. If a bicyclist is deemed to have been in violation of this provision at the time they were hit by a passing motorist, there is no fault to the motorist. Second, the motorist will not be found in violation of the law if the bicycle, EPAMD, or motor scooter rider fails to “maintain a steady course.” This could be problematic if a bicyclist swerves to avoid obstacles in the road. The third subsection details that the 3 Foot Law is not applicable if “the highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet.”<sup>33</sup> This last section is especially problematic, as “not wide enough” is ambiguous and could be left up to the interpretation of the motorist, essentially negating the purpose implementing the law.

Failure to specify civil penalties also limits the effectiveness of the 3 Foot Laws studied. In many states, the fine is minimal or instances of violation are limited, thus reducing when a penalty could be issued. For example, Arizona determines penalties based on whether a bicyclist is injured or killed. Additionally the Arizona 3 Foot Law states that the penalties are not applicable when a “...a bicyclist who is injured in a vehicular traffic lane when a designated bicycle lane or path is present and passable.”<sup>34</sup> Both of these conditions severely limit the 3 Foot Law’s effectiveness as a deterrent of unsafe motorist behaviors.

## **CHAPTER 3: COMPARABLE NATIONAL AND INTERNATIONAL BICYCLE LAWS AND POLICIES**

Due to the relatively recent development of the 3 Foot Law, there is currently little published that either evaluates the impact of the law or the suggested legislative strategies for its implementation. Research conducted on bicycle safety legislation in the U.S has revealed both similar and supporting legislation that has been passed in various states. The alternative and supportive policies outlined in this chapter include: alternative distance requirements, safe passing and due care provisions, vulnerable user laws, distracted driving laws, dooring measures, red light exemptions, and cyclist anti-harassment laws. To provide greater context, a brief survey of international bicycle safety laws is included, as many cities and countries at the forefront of progressive bicycle infrastructure and policies are located outside of the United States.

### **National Bicycle Laws and Policies**

#### **Alternative Distance Requirements**

Some states without 3 Foot Laws are pursuing bicycle safety legislation that requires a greater distance for safe passing and have attempted, or are currently attempting, to pass Five Feet Laws. In New Mexico, bicycle advocates attempted to implement a new five feet requirement by altering the existing 3 Foot Law. While the five feet provision passed through the house and senate, it was vetoed by the Governor, Susana Martinez, in 2011.<sup>35</sup> The Iowa Bicycle Coalition is also attempting to pass a Five Feet for Passing Law. Iowa currently does not enumerate any specific distance for safe passing of a bicyclist.

Advocates in Pennsylvania successfully passed a law in February of 2012 requiring motorists to allow four feet to pass a bicyclist.<sup>36</sup> Similarly, Kentucky and Washington require the distance of four feet to overtake a vehicle from the left, which is outlined in states' driver manuals. However, this distance requirement does not have the force of law, as it was not passed through the states legislature, and is not in the official traffic ordinances in either state.

Oregon is often recognized for progressive planning policies and supportive bicycle culture yet does not enumerate a specific passing distance. However, the state traffic ordinance defines safe distance for passing bicyclists to be, "sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver's lane of traffic."<sup>37</sup> This distance would presumably be greater than three feet, and possibly greater than five feet.

Lastly, in contrast to the 3 Foot Law, Virginia and North Carolina define safe passing of bicyclists to be at a distance of two feet and at a reasonable speed. More specifically, the statute in Virginia states that motorists "shall pass at a reasonable speed at least two feet to the left of the overtaken bicycle."<sup>38</sup>

#### **Safe Passing and Due Care**

Virtually all states have language in the traffic code regarding overtaking another vehicle that requires motorists to pass at a "safe distance" or with "due care." Because there is much ambiguity in these statements, enumerating a distance could increase the level of safety for the cyclist by providing a legally protected space on the road. Most states that have adopted the 3 Foot Law do so by expanding upon

existing safe passing and due care provisions in the traffic ordinances. Current safe passing requirements include similar language in many states, for example, section 32-5A-82 of Alabama's Overtaking Law states "the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof *at a safe distance* and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle."<sup>39</sup> In 2009, Massachusetts passed a new Bicycle Safety Bill, which further clarifies safe passing as:

*...the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle and shall not return to the right until safely clear of the overtaken vehicle; and, if the way is of sufficient width for the two vehicles to pass, the driver of the leading one shall not unnecessarily obstruct the other. If it is not possible to overtake a bicycle or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of an adjacent lane if it is safe to do so or wait for a safe opportunity to overtake. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on visible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.*<sup>40</sup>

Overall, because provisions of safe distance and due care are subjective and difficult to enforce, some advocates are in favor of setting a specific enumerated distance.

### **Vulnerable User Law**

The purpose of the Vulnerable User Law is to increase the legal penalties for drivers found guilty of inattentive driving that results in the injury or death of a vulnerable user. The Vulnerable User Law is designed to protect the safety and rights of bicyclists, as well as pedestrians. The Tri-State Transportation organization describes the Vulnerable User law as a middle ground between charges of negligent homicide and a traffic citation. Implementing a Vulnerable User Law can create a new traffic offense (often termed Careless Driving) or stipulate other penalties such as the suspension of drivers' license.<sup>41</sup> In states that have previously enacted a Careless Driving Law, the Vulnerable User Law could expand upon existing legislation.

The Vulnerable User Law was first passed in Oregon, taking effect January 1, 2008. Oregon House Bill 3314, titled Careless Driving Penalties, modified the existing Careless Driving statute (ORS 811.135) by expanding penalties and creating a new statute (ORS 801.608) that defined a vulnerable user. Under Oregon's statute, a vulnerable user is defined as "a pedestrian, a highway worker, a person riding an animal, the operator or user of a farm tractor, a skateboard, roller skates, in-line skates, a scooter, or a bicycle." The statute stipulates the following penalties: the completion of a traffic safety course, 100 to 200 hours of community service, a fine of up to \$12,500, and the suspension of driving privileges for one year.<sup>42</sup>

Currently, five states have successfully passed Vulnerable User Laws in addition to Oregon: Washington, Illinois, Delaware, Nevada and New York. Illinois passed their Vulnerable User Law in 2009. New York, Nevada, Washington and Delaware passed the law in 2011.<sup>43</sup>

Advocacy groups across the U.S are attempting to pass Vulnerable User Laws in several states including: Alaska, Connecticut, Texas, Massachusetts, Minnesota, Michigan, Rhode Island, Virginia, Hawaii and New Mexico. Some states, such as Minnesota, are pursuing legislation that would increase the penalty for Careless Driving from a misdemeanor to a gross misdemeanor. This would increase the associated fine and include a possible jail sentence of up to one year.<sup>44</sup> This legislative change would have a similar effect to a Vulnerable User law through modification of the Careless Driving Act.

### **Distracted Driving**

Distracted Driving ordinances have been passed by many states across the U.S. These laws vary in specific provisions, but generally prohibit drivers from text messaging, e-mailing, or using a mobile phone. Currently five states and the District of Columbia prohibit hand held cell phone use while driving: California, Connecticut, New Jersey, New York, and Oregon. Nineteen states and the District of Columbia ban texting while driving, while 21 states and the District of Columbia ban all cell phone use for novice drivers. Illinois and Washington State prohibit cell phone use while in a construction zone or school zone.<sup>45</sup>

Additionally, many cities have also passed ordinances regarding Distracted Driving. Chicago passed a citywide ordinance banning all use of a mobile device within the city limits while driving.<sup>46</sup> Philadelphia has passed an ordinance which bans texting and driving.<sup>47</sup> Currently, some legislators and advocacy groups are pressing to explicitly apply distracted driving laws to bicyclists as well. An alderman in Chicago is attempting to pass an ordinance that would ban texting while biking. If passed, bicyclists could be ticketed \$50 for a first time offense; the ordinance also dictates a fine up to \$500, if accident is caused.<sup>48</sup>

The province of Alberta, Canada has modified the distracted driving law to explicitly include bicyclists. Currently, some legislators in California are also attempting to apply the Distracted Driving law to bicyclists. In a report issued by the League of American Bicyclists and the Alliance for Biking and Walking, both groups endorse the Distracted Driving laws for all road users, including bicyclists.<sup>49</sup>

### **Unchanging Red Light Law**

The Unchanging Red Light Law (also termed Dead Red or Red Light Exemption) is a provision that allows bicyclists to proceed through a red light that will not change. At many intersections, a bicyclist cannot trigger the traffic signal to change, creating a potentially unsafe situation for the stranded bicyclist, and potential traffic congestion for other vehicles. This law does not allow bicyclists to run red lights. Rather, the bicyclists must come to a complete stop, determine they have not activated a signal change, and only proceed through the intersection when there is no conflict with other vehicles or pedestrians. Though several states have passed Red Light Exemption laws for behalf of motorcycles, the first provision to explicitly include bicyclists was passed in 2010 in Minnesota.<sup>50</sup> Similar legislation was recently passed in Virginia. The language of Virginia code 46.2-833 states that bicyclists must come “to a full and complete stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is shorter.” This law took effect in July of 2011.<sup>51</sup>

Interestingly, in Kansas the passing of the 3 Foot Law was linked in the legislature to a version of a Red Light Exemption, termed the Dead Red law. The Dead Red provision is applicable to both motorcycles and bicycles. Specifically the ordinance states:

*The driver of a motorcycle or a person riding a bicycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, shall have the right to proceed subject to the rules stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.*

This law was signed by Kansas Governor Sam Brownback and became effective as of July 1, 2011.<sup>52</sup>

### **Dooring**

The issue of dooring, when a motorist opens their vehicle door into the travel space of a cyclist, has been specifically addressed in legislation in Oregon, Wisconsin, Maryland and Massachusetts. Passed in 2009, Wisconsin's Dooring Law (Wisconsin Act 22) introduced a fine for drivers who open their doors into the path of a cyclist and obligates drivers to open their doors in a safe manner. The statute details, "no person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle." Additionally, the driver of the vehicle is responsible for safely opening doors for occupants under 16 years of age.<sup>53</sup> In 2010, Maryland's legislature amended the traffic ordinance 21-1209 to address dooring. This ordinance intends to protect bicyclists, motor scooter and EPAMD users from occupants in vehicles opening car doors with a "lack of care"; however the provision does not specify any penalties as a result of violation.<sup>54</sup>

The Massachusetts Bicyclist Safety Bill, passed in 2009, addresses a variety of bicycling safety issues including dooring. The Bicyclist Safety Bill enables police officers to ticket and fine drivers for opening car or truck doors into the path of another person or vehicle.<sup>55</sup> The Oregon traffic ordinance on dooring (811.490) also specifically applies to pedestrians that may come into contact with a vehicle in addition to bicyclists.<sup>56</sup>

The city of Chicago passed a citywide dooring ordinance in 2008 which enables officers to issue citations and fine motorists \$150 to \$500 for violations.<sup>57</sup> The Active Transportation Alliance in Chicago is currently working to expand this initiative to the entire state through legislation. The Alliance's undertaking on this issue arose to address concern that dooring accidents involving bicyclists are not considered to be motor vehicle crashes and therefore go unreported. The legislation proposes that dooring accidents be reported as motor vehicle crashes to ensure accurate reporting to highlight the vulnerability of all road users.<sup>58</sup>

### **Protecting Cyclists and Pedestrians from Harassment**

In 2010, legislators in Illinois passed the Protecting Cyclists and Pedestrians from Harassment Law. The Active Transportation Alliance summarizes the Public Act 96-1007, which makes it a “crime to ride unnecessarily close to, toward or near a cyclist, pedestrian or equestrian. If the violation results in great bodily harm, the driver could be charged with a felony.” This law is similar to the Vulnerable User Law in that it increases penalties for serious injuries or death, but differs in providing additional legal penalties for conflicts between cyclists and motorists that do not involve injuries.<sup>59</sup> The statute specifies, “If the violation results in great bodily harm or permanent disability or disfigurement to another, the person shall be guilty of a Class 3 felony.” A person convicted of this crime can be convicted of a Class A misdemeanor even if the cyclist (or pedestrian or equestrian) is not injured.<sup>60</sup>

In addition to the state law, the city of Chicago passed a citywide Bicycle Safety Ordinance in 2008. As previously detailed, the ordinance addresses dooring, but also includes a three-foot for passing requirement, fines for parking in bike or shared lanes, and prohibits motorists from turning right in front of bicyclists. If a bicycle crash results from any of these actions, a minimum fine of \$500 is incurred.<sup>61</sup>

### **International Bicycle Laws and Policies**

In contrast to transportation networks in the U.S., cities in Europe and Canada are at the forefront of creating balanced transportation systems incorporating cars with transit, bicycles, and pedestrians. The combination of improved infrastructure, policies, and education have led to higher rates of bicycling and increased safety rates in most European cities. Data from 2008 shows the mode share for both pedestrian and bicycling use in the U.S. to be only 3.5% compared 51% in the Netherlands, 33% in Germany, and 24% in the U.K.<sup>62</sup> An article published in 2003 in the American Journal of Public Health asserts that “per trip cycled, American bicyclists are twice as likely to get killed as German cyclists and over three times as likely to get killed as Dutch cyclists.”<sup>63</sup>

Progressive policies implemented in many European cities and countries include low speed limits on neighborhood and urban streets, formal bicycle education programs in elementary schools for children, policies to discourage car use, and stricter enforcement of traffic laws. In September of 2011, the European Parliament adopted a 30 km/hour resolution supporting the introduction of speed limits of 30 km/hour in “all residential areas and on single-lane roads in urban areas which have no separate cycle lanes.”<sup>64</sup> In motor vehicle collisions between a motorist and a bicyclist or a pedestrian in the Netherlands and Belgium, the motorist is automatically presumed to be at fault unless one can demonstrate that the pedestrian or bicyclist involved deliberately caused the accident. Overall, traffic laws abroad reflect a hierarchy of road users, such that the heaviest user (e.g., car, truck, and van) of the road bears the responsibility of the safety of the more vulnerable user (e.g., bicyclist and pedestrian).<sup>65</sup>

Although European and Canadian cities are more bicycling friendly places, motor vehicles safely passing bicyclists can still be problematic. Currently the Netherlands and France have implemented 1 meter passing requirements (roughly equivalent to three feet) and Spain has enacted a 1.5 meter (roughly equivalent to 5 feet) passing requirement. Similar to the U.S., bicycle advocates in the United Kingdom

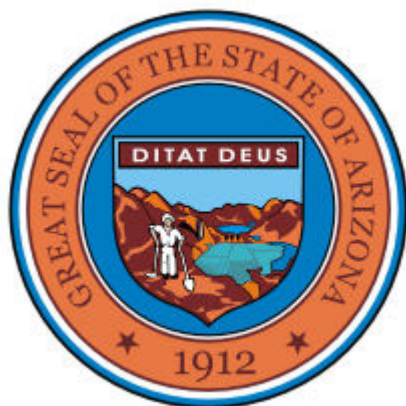
have started the 3-Foot Please safety campaign. In May of 2010 Nova Scotia was the first Canadian province to legislate a 3 Foot Law.<sup>66</sup>

While some countries and cities abroad have implemented the equivalent of a 3 Foot Law, bicycling is largely culturally recognized as a legitimate mode of transportation and is integrated in street design, transit, and educational programs. The high fatality and injury rate of bicyclists in the U.S. and the lack of bicycling infrastructure highlight cultural differences between the U.S. and abroad, indicating that to promote bicycle safety in the U.S., it may be necessary to legally dictate how to share space between users.



## CHAPTER 4: INTERVIEWS WITH STATES THAT HAVE PASSED 3 FOOT LAWS

VTC conducted interviews with advocates and officials knowledgeable of the 3 Foot Law in the 20 states that have implemented it. Subjects were asked to discuss the key players involved in the passing of the bill, the strategies used to successfully obtain the legislation, the greatest barriers that were overcome, the tools being used to educate both the general public and law enforcement community on the law, the rate of its enforcement, and the overall impact the law since its passing. *Please note the language in this chapter does not reflect the insights, views, or opinions of VTC but of representatives interviewed in each state.*



### Arizona

Arizona's Governor Jane Dee Hull signed their 3 Foot Law into effect in April 2000, making Arizona just the third state to pass such a law. Prior to the law, there was a statute that mandated exercising special care when passing other vehicles, but it was unclear whether bicycles were classified as vehicles under the law. The state has also passed a Due Care Law to protect pedestrians, but it does not apply to bicycles. The idea of passing a 3 Foot Law gained ground when Tucson cyclist Brad Gorman was struck and killed by a motorist attempting to pass him from behind at an unsafe distance. Under

the law at the time, the driver who hit Gorman was fined \$66. Following Gorman's death, local officials and bicycle clubs began exploring the possibility of stronger legislation, with Brad's mother Jean Gorman becoming a major champion of cycling safety.

During the legislative process, several revisions were made to the bill that compromised some of the original intentions of its drafters. The initial bill provided a wider passing distance than three-feet at higher speeds: four feet when driving between 30 and 40 miles per hour, and five feet when driving faster than 40 miles per hour. In the final version of the bill, this was reduced to a uniform three feet. Furthermore, a provision was added preventing the law from applying when a cyclist is riding on a street where a bike path or lane exists. Though it was hoped that amendments could be made in subsequent years to improve the bill, no amendments have been made to this point. Contrarily, several amendments have been proposed (and voted down) over the years that would have had negative impacts on cyclists, such as a provision that would require cyclists to move off of the road to allow cars to pass if multiple cars lined up behind them.

### Key Players

The Tucson-Pima County Bicycle Advisory Committee pushed the bill forward. The Advisory Committee functions "in an advisory capacity to local governments on issues relating to bicycle recreation, transportation, and safety."<sup>67</sup> Its goals include education, enforcement, engineering of better facilities, and evaluation and planning of bicycle programs. Smaller cycling clubs around the state put support behind the bill as well, and a state senator agreed to be the primary sponsor and a major advocate. The Pima County Bicycling and Pedestrian Coordinator drafted the bill. Support for the bill bipartisan, as it received significant backing from a conservative Republican in the legislature in addition to its Democrat

primary sponsor. Jean Gorman was the most vocal supporter of the bill, putting a face to the kinds of tragedy that the bill was designed to avert.

### **Strategies and Tools**

Along with grassroots support from cyclists and clubs, the bill had a major voice in Jean Gorman, who dedicated herself to the bill and advocating for other cycling safety issues after her son's death. This allowed media coverage to be leveraged to gain support for the bill and made it more difficult for opposition to be formed against it. In addition to this grassroots support, the Bicycle Advisory Committee was able to obtain the services of a volunteer lobbyist. This allowed the bill to be passed with no additional cost from the normal operational costs of the Tucson-Pima County Bicycle Advisory Committee.

### **Barriers and Challenges**

Though there were no notable opponents to the bill and no arguments against passing a 3 Foot Law, certain revisions were forced by the legislature and the motivation behind them was never uncovered. The revisions included the aforementioned elimination of larger passing distances at higher speeds and lack of protection for cyclists on roads with bike lanes. Though the creators and advocates of the bill were opposed to these changes, it was concluded that the bill would not be passed without accepting them. It could be speculated that legislators were being mindful of police and trucking interests when accepting these provisions.



### **Awareness and Education**

Outside of Pima County, there do not seem to be many education efforts focused on the law. In Pima County, promotional efforts are ongoing to further education about the law, such as a distribution of more than 20,000 bumper stickers each year that say “Share the street, give a bike 5 feet.” Though only three feet is required under the law, advocates in Pima County claim their intention with the stickers is to promote the five feet passing distance intended for higher speed roads contained in the original draft of the bill. At the state level, the 3 Foot Law and other bicycle safety related practices were added to the driver's license curriculum.

### **Impact**

Most positive impacts from the law have come in the form of education. The statute does not seem to be applied often, and no metrics are in place to measure success. Often a more severe charge than violating the 3 Foot Law can be applied, such as DUI, Aggressive Driving and Careless Driving.

In Pima County, the Sherriff's Office has made numerous citations for violators of the law. Additionally, the Tucson Police Department recently received a \$44,000 grant from the Governor's Office of Highway Safety that will be used to improve enforcement of the 3 Foot Law. A local blog reported that only three

citations for violating the law were issued in 2008, and there has been at least one case of a cyclist being hit and killed by a motorist that did not result in any charges. There have been encouraging reports of enforcement, such as when a Scottsdale cyclist who reported being passed at close range by a motorist. The incident was witnessed by a police officer who immediately stopped the motorist and cited them for violating the 3 Foot Law.

### **Policy Language**

As related to overtaking a bicycle:

- A. *When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.*
- B. *If a person violates this section and the violation results in a collision causing:*
  - 1. *Serious physical injury as defined in Section 13-105 to another person, the violator is subject to a civil penalty of up to five hundred dollars.*
  - 2. *Death to another person, the violator is subject to a civil penalty of up to one thousand dollars.*
- C. *Subsection B of this section does not apply to a bicyclist who is injured in a vehicular traffic lane when a designated bicycle lane or path is present and passable.*

As related to the driver licensing examination:

- A. *The department may examine an applicant for an original driver license or the department may accept the examination conducted by an authorized third party pursuant to chapter 13 of this title or documentation of successful completion of a driver education course approved by the department. The examination shall include all of the following:*
  - 1. *A test of the applicant's:*
    - (a) *Eyesight.*
    - (b) *Ability to read and understand official traffic control devices.*
    - (c) *Knowledge of safe driving practices and the traffic laws of this state, including those practices and laws relating to bicycles.<sup>68</sup>*

### **Arkansas**

On March 29, 2007, a 3 Foot Law was passed in Arkansas. The law represents an important step for a state that previously had no legislation specifically targeted toward protecting bicyclists. The bill was motivated by a state representative's witnessing of two accidents where bicyclists were hit by

automobiles. The day after witnessing the second accident in Little Rock, the representative brought forth the 3 Foot Law bill.



### Key Players

The 3 Foot Law in Arkansas was a lone effort by a state legislator. After witnessing accidents involving bicyclists and automobiles, the House representative decided to submit the bill to enhance bicycle safety on roadways. There are bicycle clubs in the state that are involved in advocacy efforts, such as the Arkansas Bicycle Club and Bicycle Advocacy of Central Arkansas, however these clubs were not aware of the bill until it had been submitted.

### Strategies and Tools

By the time the Arkansas Bicycle Club and Bicycle Advocacy of Central Arkansas became aware of the bill, there was very little time for advocacy. Members were encouraged to e-mail their legislators to ask for support for the law.

### Barriers and Challenges

There was no debate on the bill or opposition to it. It was approved unanimously in both chambers of the Arkansas General Assembly, with a 95-0 House of Representatives vote and a 34-0 Senate vote.

### Awareness and Education

While bicycle safety education and policies are being implemented at the city level in some areas, and bicycle clubs around the state continue education and advocacy efforts, little has been done at the state level to educate people on the law. There is nothing in the legislation to force the law to be taught to judges or at police academies. It could be theorized that the bill's lack of impact is in part due to the lack of coordination with other groups by the representative who submitted the bill.

### Impact

There are no known metrics for measuring the success of the law, and overall there has been very little enforcement of it. Generally, the only enforcement of the law seems to occur when there is an eye witness to an accident who can testify that the automobile driver violated the 3 Foot Law.

### Policy Language

As related to overtaking a bicycle:

- (a) *The driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a roadway shall exercise due care and pass to the left at a safe distance of not less than three feet (3') and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.*
- (1) *A person who violates this section shall be subject to a fine not to exceed one hundred dollars (\$100).*
- (2) *A person who violates this section with the violation resulting in a collision causing death or*

*serious physical injury to the person operating the overtaken bicycle shall be subject to a fine not to exceed one thousand dollars (\$1,000) in addition to any other penalties prescribed by law.<sup>69</sup>*

## Colorado

The 3 Foot Law in Colorado was drafted as part of a package of legislation known as the Bicycle Safety Act. The state had several cycling related laws on the books that cycling advocates felt were outdated. The most important of those laws stated that if there was a motorist 300 feet behind or in front of a group



of cyclists, the cyclists must ride single-file. Additionally, the law required that cyclists ride all the way to the right on the road regardless of the conditions of the road. When a local sheriff began writing tickets for cyclists not riding on the shoulder or single file, the advocacy group Bicycle Colorado was prompted to try and fix the law. Their efforts resulted in the Bicycle Safety Act and the 3 Foot Law contained within it. Colorado Senate Bill 09-148 was signed into law by Governor Bill Ritter on May 11, 2009, becoming effective August 5, 2009.

Though the bill was controversial and revised multiple times before passing, the wording of the 3 Foot Law portion was never altered during the process. Since the passing of the law, there has been no thought of expanding the law to protect other users, and the general sentiment in Colorado seems to be that penalties should not change based on the mode of the victim.

Prior to the passing of the Bicycle Safety Act, Colorado had little protection for bicyclists other than a Careless Driving Law. A Vulnerable User Law had been considered but deemed politically unfeasible. In lieu of that, however, a similarly functioning amendment to the Careless Driving Law is currently being proposed that would convict an individual of a more serious Reckless Driving offense if they are convicted of at least two counts of Careless Driving in an accident involving an injury or death.

### Key Players

Bicycle Colorado was the lead advocacy group in support of the Bicycle Safety Act at the state level, receiving support from 25 local, county, and regional advocacy groups. The mission statement of Bicycle Colorado, a statewide advocacy group formed in 1992, is "to encourage and promote bicycling, increase safety, improve conditions and provide a voice for cyclists in Colorado."<sup>70</sup> Live Well Colorado, a non-profit focused on reducing obesity, and the Colorado Environmental Coalition both supported the bill. The State Police and Department of Transportation were involved in the process of bringing the bill forward, but officially took a neutral stance. In the legislature, the bill had both a Republican and Democrat sponsor. Governor Ritter, a frequent cyclist, was said to be a supporter of the bill.

### Strategies and Tools

Electronic communication was critical for Bicycle Colorado in rallying support behind the bill. The organization has 7,000 members and an e-mail list of 11,000, in addition to 200 business supporters. This was used to target messages to state Representatives and Senators. The organization has a permanent

paid lobbyist, but he was not hired specifically for the Bicycle Safety Act. As a result, all costs associated with passing the bill were in-house.

### **Barriers and Challenges**

The bill was controversial and sent back to a conference committee twice. The most controversial part of the bill was not the language specifying a minimum passing distance; rather, it was a provision allowing drivers to cross a solid yellow line in a no passing zone in order to give cyclists a three foot cushion. Additionally, the trucking industry lobbied against the bill believing that it would slow trucks down and the Colorado Sheriff's Association contended that bicycles did not belong on roads with speed limits of 45 miles per hour or greater.

The bill easily passed the Senate, but was edited in the House to add back in the requirement that cyclists ride single file when motorists were 300 feet ahead or behind them. The sponsors of the bill refused to accept this provision, which resulted in the bill being sent back to the conference committee. Eventually the hurdle was overcome by revising the bill to reference the Uniform Vehicle Code, which states that cyclists can ride two abreast unless it impedes the flow of traffic. The specific wording of the 3 Foot Law portion of the bill remained intact throughout this process. After revisions, the bill successfully passed both chambers of the legislature and was signed into law by Governor Ritter.

### **Awareness and Education**

Awareness of the law is not as high as initially hoped, but many strategies and tools are being used to support education efforts on the 3 Foot Law and other provisions in the Bicycle Safety Act. Each year, the state conducts a training program for police on new laws, and following the passage of the Bicycle Safety Act Bicycle Colorado, produced a video for the program to explain the provisions. There has been outreach to the State Highway Patrol. Bicycle Colorado was offered the opportunity to teach a class at the academy on bicycle safety; however they currently do not have the funding to take advantage of the opportunity. The Denver Police Department has also taken on its own initiative of creating educational cards about the law to hand out to drivers.



To increase the awareness among the general public, the state driver manual bicycle section was completely rewritten and now provides information on vulnerable users in other sections. Questions related to the law were added to the state Driver's License Exam. There was a public relations campaign before, during, and after the bill's passing. Bicycle Colorado has distributed over 15,000 3 Foot Law stickers, and during bike events, puts up temporary bicycle safety signs with educational information.

### **Impact**

Since the law was passed, cycling, cycling events and economic drivers related to cycling are up in the state. Colorado has been ranked number one in the Legislation category of the League of American

Bicyclists' annual state bicycle friendliness rankings. Additionally, there is now a sense that cyclists involved in crashes can see justice done. While there were no measures put in place by the bill to measure its success, a ticketing report can be ordered from the court system detailing violation issued for specific laws. The high cost of ordering this report has prohibited Bicycle Colorado from obtaining one, but a newspaper in Boulder County ordered the report for the 3 Foot Law three months after the law went into effect. They found that six tickets were issued in Boulder County during those first three months. No further metrics related to the law are currently known.

### **Policy Language**

As related to passing oncoming traffic:

*A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:*

- (a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and*
- (b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.*

*Any person who violates any provision of this section commits a class A traffic infraction.*

As related to overtaking a vehicle on the left:

*The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.*

As related to overtaking a vehicle on the right:

*The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.*

As related to when the regulations regarding passing on the left do not apply:

*To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.*

As related to crowding a bicyclist:

*(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.*

(2) Any person who violates subsection (1) of this section commits careless driving as described in Section 42-4-1402.<sup>71</sup>

## Connecticut



Governor Jodi Rell signed Connecticut's 3 Foot Law on May 27, 2008, and the law went into effect on October 1 of that year. While there was no specific incident that motivated the passing of the law, there has been a general movement amongst bicycle advocates in the state to strengthen safety laws. Currently, efforts are underway to pass a Vulnerable User Law, though progress has been slow over the course of two years of work. However since the adoption of the 3 Foot Law, the state has passed a Complete Streets Law requiring that 1% of transportation funding be dedicated to complete street elements.

### Key Players

Bike Walk Connecticut, a statewide advocacy group that promotes bicycling and walking, was the main proponent of the bill. Each year, the organization directs their lobbying efforts towards a few select bills. Other smaller bicycle clubs from around the state, such as Elm Cycling and Sound Cycling, joined Bike Walk Connecticut in their efforts.

### Strategies and Tools

To strengthen support for the bill, Bike Walk Connecticut held several rallies focused on the 3 Foot Law. Additionally, the club and others in the state leveraged grassroots support from its members in contacting legislators to ask for support.

### Barriers and Challenges

There were some concerns with the bill, namely that it would be an unenforceable law. Some felt that the 3 Foot Law would add extra burden to an already overworked police force. However, despite this, there was no notable opposition to the bill. It passed without controversy or revision.

### Awareness and Education

Since the passing of the 3 Foot Law, the Connecticut Department of Transportation has undertaken a public ad campaign about the law. The bill contained a provision encouraging state agencies to provide a "Share the Road" promotion, which has occurred. Knowledge of the law was also advanced when a state representative issued a press release on the law that was published in a number of local newspapers.

Information about the law has been sent to police throughout the state for use during academy training. It is unknown the extent to which this material is being used. The State Police Academy includes bicycle and pedestrian elements its training.

### Impact

The passage of the bill has catalyzed bicycle advocacy in the state. Before its passage, bicyclists were not involved in many advocacy efforts in Connecticut. It is hoped that the excitement generated by the



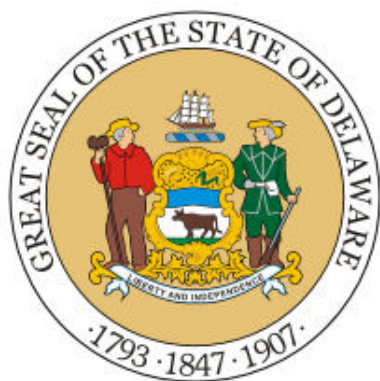
success of the lobbying effort for this bill may lead to future advocacy on other related issues. Furthermore, the state has adopted a much more favorable attitude toward bicycles and pedestrians, so the 3 Foot Law may have helped achieve a cultural shift.

Enforcement and the issuing of citations have been limited to when bicyclists have been hit by motorists. This was expected as the law is viewed mainly as an educational tool and hence, it was never anticipated that there would be significant enforcement except in cases where accidents occur. There are no specific performance measures in place for the 3 Foot Law, but Department of Transportation monitors general metrics for injuries and fatalities to bicyclists.

### Policy Language

As related to overtaking a vehicle proceeding in the same direction:

*Except as provided in sections 14-233 and 14-234, (1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle; and (2) the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. For purposes of this subsection, "safe distance" means not less than three feet when the driver of a vehicle overtakes and passes a person riding a bicycle.<sup>72</sup>*



### Delaware

Delaware passed a 3 Foot Law on July 29, 2011, complementing a Vulnerable User Law passed in 2010. While there was no specific incident that motivated the passing of the law, there has been a general movement amongst bicycle advocates in the state, particularly on the part of Delaware Bike Council, to strengthen safety laws. The push for passage of the bill followed a lengthy process that suffered failure and setbacks. Ultimately Governor Jack Markell signed a bill that survived multiple revisions with the key policies intact.

The 3 Foot Law is part of a focused effort to make cycling safer on Delaware roads. The 2010 Vulnerable User Law increased penalties for inattentive drivers injuring roadway users who do not have the protection of an automobile surrounding them, such as cyclists, skaters, and farm vehicles. Additionally, the state Department of Transportation has programs such as bicycle safety checkpoints on active travel areas in spring and summer to educate cyclists about safety.

### Key Players

The Delaware Bicycle Council was the main proponent of the bill, working closely with the state DOT. The Bicycle Council was founded in 1990 by the Delaware legislature to “consider, review and work on matters pertaining to bicycling, bicycle safety and bicycle safety education and to make recommendations to various state agencies.”<sup>73</sup> The governor appoints a combination of state departmental representatives and citizens to the council, which meets at least five times a year. The Council’s attorney drafted the

language of the bill and the Council found a sponsoring senator. A State Police representative on the Council was helpful in obtaining police approval. Bike Delaware, a statewide bicycle advocacy coalition, was also a major proponent. Governor Markell, though not actively involved in the passing of the bill, is a cyclist and supported the bill as well as other pro-cycling policies.

### **Strategies and Tools**

The Delaware Bicycle Council worked closely with Bike Delaware to gain grassroots support for the bill. Blogs and websites were used extensively to gain attention and rally support within the cycling community. All work on drafting the language of the bill was done in-house at the Department of Transportation, so there was no added cost associated with passing the bill.

### **Barriers and Challenges**

Though successful in 2011, efforts to pass a Delaware 3 Foot Law failed in 2009. The bill was derailed on the floor of the legislature by the State Police legislative liaison. Opposition from the police stemmed from concerns with enforceability. The police contended that the bill would add another unenforceable law to a long list of existing unenforceable laws. There was a fear that they would be held accountable for not issuing enough tickets to violators. The State Police liaison effectively used these arguments to prevent a vote on the bill from occurring.



When the Delaware Bicycle Council and DOT renewed their efforts to pass the bill in 2011, the State Police legislative liaison had been replaced. The new liaison was more receptive to the bill, which allowed it to go to vote and pass with very little debate. The only other significant source of opposition throughout the process was within the state DOT. The Traffic Department opposed passing any type of law that could slow down automobiles, but this opposition was overcome internally.

### **Awareness and Education**

Since the passing of the bill, the Delaware Department of Transportation has been working to include the 3 Foot Law in driver education lessons and defensive driving course curriculum. Additionally, the department has worked with AARP to educate elderly drivers on the law and safely sharing the road with cyclists. The DOT has prepared a number of props for educational purposes that visually demonstrate how much space three feet is and provide additional information about the law.

### **Impact**

As law being passed recently, there has not been enough time to understand its effects. No monitoring system is in place for checking effectiveness, and it is not expected that one will be developed. The DOT expects to review cyclist accidents caused by automobiles to determine if the driver received the proper penalty under the new law.

## Policy Language

As related to overtaking a bicyclist:

*The driver of a motor vehicle, when approaching a bicyclist traveling in the same direction, shall ensure the safety and protection of the bicyclist by:*

- a. *Proceeding with caution and yielding the right-of-way by making a lane change into a lane not adjacent to that of the bicyclist, if possible, with due regard to safety and traffic conditions, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or,*
- b. *Proceeding with caution and reducing the speed of the vehicle to a safe speed and leaving a reasonable and prudent distance by providing a minimum of 3 feet of clearance while passing such bicyclist, if changing lanes would be impossible or unsafe.<sup>74</sup>*

## Florida

Florida became the sixth state in the nation to pass a 3 Foot Law in 2006. At the time of the law's passage, Florida had no similar laws on the books. The general motivation behind the bill was to improve the safety of cyclists on Florida's roadways. Overall, passage of the bill proceeded without difficulty. The Florida law protects cyclists as well as other operators of non-motorized vehicles. At the moment, the 3 Foot Law has not been expanded in Florida to protect other vulnerable road users such as pedestrians.



### Key Players

State Senator Larencia Bullard, of Miami, was the primary proponent of the bill. She introduced the resolution as an amendment to a Senate bill before it was sent on to the Florida House of Representatives. Miami area cyclists encouraged Senator Bullard to push for the resolution based on concerns following a series of area crashes.<sup>75</sup> The bill did not receive much media coverage and went through the legislative process relatively unnoticed by bicycle advocacy groups throughout Florida. There were no revisions to the bill's language prior to its passing.

### Strategies and Tools

The strategies employed in establishing a 3 Foot Law in Florida were quite limited as it was an effort largely undertaken by Senator Bullard and her support staff. The nature of this bill's legislative process also kept costs associated with its passing very low.

### Barriers and Challenges

There were very few challenges or barriers faced in passing the 3 Foot Law in Florida. Arguments against the bill surfaced only after its passing. The trucking industry raised concerns over the ability of their trucks to give cyclists an extra three feet of space on the road. Local police departments were also concerned with the added responsibility associated with enforcing a new traffic law. Police also raised

concerns over the enforceability of the law. They felt it would be difficult to ascertain or prove a motorist did not safely pass a cyclist in situations short of the cyclist being hit.

### Awareness and Education

A series of billboards have been spotted by cyclist along roads in certain Florida cities. In addition, there have also been public service announcements broadcast on television and radio throughout the state. The Southwest Florida Bicycle United Dealers (SWFBUD) sponsored a PSA broadcast in the Tampa area featuring the daughters of a woman who was struck and killed by a passing driver in Hillsborough County. A few counties in Florida, including Broward and Leon, have taken an active role in spreading awareness of the 3 Foot Law by placing stickers and decals on official vehicles. These decals have also appeared throughout the state on gas pumps and bicycle racks, thanks to grassroots efforts of local cyclists. Local cyclists have also been wearing yellow cycling jerseys with the slogan “3 Feet Please” displayed on the back. Tallahassee resident, Joe Mizereck designed the jerseys, which he markets through his website [www.3feetplease.com](http://www.3feetplease.com).



### Impact

Passage of a 3 Foot Law has spurred discussion and awareness on bicycling safety in Florida. It has given bicycling advocates throughout the state a tangible law that aids them in spreading their message on bicyclists’ rights to the road and increasing bicycling safety. The law is acting as a building block upon which cyclist can push for future safety measures.

Enforcement of the law has resulted in more than 300 citations issued in Florida since its passage in 2006. Bicycle advocates in the state believe that this level of enforcement does not reflect the actual number of violations that occur. Despite this, the law provides a valuable educational and awareness tool for advocates.

As of yet, there has been no official study or mechanism developed to measure the 3 Foot Law’s success in Florida. There have been no surveys used to ascertain the effectiveness of the education and awareness campaigns that have been undertaken. This is an issue that still needs to be explored. These efforts have been hindered by the lack of funding that could be allocated to conduct this type of study or develop a formal success measure.

### Policy Language

As related to passing a cyclist:

*The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The*

*driver of a vehicle overtaking a bicycle or other nonmotorized vehicle must pass the bicycle or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other nonmotorized vehicle.*<sup>76</sup>

## Georgia

On May 11, 2011, Georgia became one of the latest U.S. states to enact a 3 Foot Law. Governor Nathan Deal's signature confirmed that the law would go into effect July 1, 2011. The state previously had an



Aggressive Driving Law and other laws protecting state workers alongside the road in addition to slow moving vehicles. However, none of these laws gave specific protection to bicyclists. Support for the bill gained momentum in 2004 when a passing vehicle fatally struck Tony Serrano, an active Georgia cyclist. The final bill is named the Tony Serrano Three Feet Safe Passing Act.

Though the bill is a major step forward for a state that was ranked 42<sup>nd</sup> most bicycle friendly state by the League of American Bicyclists, it is not ideal.

The phrase “when feasible” was added in a State House committee, giving an excuse for drivers not to give three feet of space. It is hoped that this can later be removed by amendment.

### Key Players

In 2006, the mayor of Roswell, Georgia formed an annual bike ride to the state capitol in Atlanta called “Georgia Rides to the Capitol.” Eventually, the organization of the ride was taken over by Georgia Bikes, a statewide bicycle advocacy organization. In 2010, it was decided that the ride should have a specific cause to advocate for, and the 3 Foot Law was suggested. Georgia Bikes was the main force that drove the bill forward, though they had some important allies. Smaller bike clubs around the state, such as Bike Roswell, were crucial in gaining



grassroots support. The state Parent-Teacher Association backed the bill because of its potential to make cycling to school safer for children. Additionally, Lieutenant Governor Casey Cagle, an active cyclist, supported the bill. Governor Deal had little influence in the process of passing the bill other than signing it, but was a supporter and had close ties to an advocate involved with Georgia Rides to the Capitol. Finally, Tony Serrano's widow gave testimony during a legislative session that was a major boost to passing the bill.

### Strategies and Tools

The most important actions taken by Georgia Bikes were to find a sponsoring senator and hire a lobbyist. The services of the lobbyist were obtained at a cost of \$8,000 for the first year of the campaign and \$12,000 for the second. Funding came from community donations, including \$2,000 from the parents of Tony

Serrano. The lobbyist was required to take a cycling class and ride with Georgia Bikes on the road in order to gain a personal understanding of the issue for which she was lobbying. Also, the health benefits of cycling were often touted to aid in advocating for the law.

### **Barriers and Challenges**

There was never a clear picture of who the opponents to the Georgia 3 Foot Law were, but the trucking union was particularly vocal in their opposition. Perhaps this is due to the added difficulty of passing bicyclists with a three foot clearance in a large truck. The other barriers to the bill were politically related; the original proposal of the bill was not even brought to vote by the Speaker of the House. The bill's advocates found it challenging to understand existing political conditions and to find allies to help move the law forward. Additionally, the aforementioned revision allowing motorists an excuse to not give three feet when infeasible to do so was forced into the bill. There was a fear that by not allowing the revision, the entire bill would be derailed, and so it was accepted.

### **Awareness and Education**

In the brief time since the passing of the 3 Foot Law, there have been significant efforts to publicize it. Billboard advertising has been a major part of the campaign. State grants were used to pay for advertising space on basic billboards, and a digital billboard company donated free time on their boards for the awareness campaign. The state partnered with local utility companies to send out public service announcements about the law in utility bill mailers.

Unfortunately, arguably the best form of publicity for the law came in the form of tragedy. Just three days after the law went into effect, a Roswell cyclist was hit and killed by a motorist. The motorist subsequently became the first person to be charged for failing to safely pass a cyclist under the terms of the new law. The tragedy received significant amounts of news coverage and its timing with the initiation of the law assured that the 3 Foot Law was a part of that news coverage.

For police, there is a class offered to teach officers about the new law, but it is uncertain how much of an impact it will have.

### **Impact**

Anecdotally, cyclists in Georgia have expressed that they feel they are receiving more space from motorists on the roads since the passing of the 3 Foot Law, though no effort has been made to document this. Since the law was only recently passed, it is too early to understand its impact. There are intentions to gather data to study effectiveness in the future. However, lack of funding prevents moving such a study forward. The law seems to be enforced in a limited fashion thus far except in cases of an accident, such as the one in Roswell.

### **Policy Language**

As related to passing a bicyclist:

40-6-56.

(a) *As used in this Code section, the term 'safe distance' means not less than three feet.*

(b) *Notwithstanding any provision of this article to the contrary, when feasible, the operator of a*

*motor vehicle, when overtaking and passing a bicycle that is proceeding in the same direction on the roadway, shall leave a safe distance between such vehicle and the bicycle and shall maintain such clearance until safely past the overtaken bicycle.<sup>77</sup>*

## Illinois

Prior to the state's passage of its 3 Foot Law in 2007, Illinois law required motorists pass bicyclists at a safe distance though the law did not specify what a safe distance was. On August 16, 2007, Governor Rod Blagojevich signed a bill clarifying the existing law



by specifying a three feet minimum passing distance. The changes took effect on January 1, 2008. Since the 3 Foot Law's implementation, there has been no



further discussion of expanding the law to protect other users, as the bicycle lobby has thus far been the only group interested in this new provision.

## Key Players

Two advocacy groups—the League of Illinois Bicyclists and the Chicagoland Bicycle Federation (now known as Active Transportation Alliance)—led the effort to establish a 3 Foot Law in Illinois. These groups received support from the Illinois Secretary of State and the Illinois Association of Chiefs of Police. Also, the sponsors of the bill in the state House and Senate were active and vocal proponents. Both were personally motivated in their support as each had experienced a bicycle accident caused by drivers passing too closely.

## Strategies and Tools

The most critical component to assuring the 3 Foot Law's passage in Illinois came before the bill was submitted to the legislature. Before bringing forth the bill, the advocacy groups organized a meeting with the Illinois Association of Chiefs of Police to explain the bill's purpose and solicit their input. As police groups are often opponents to the 3 Foot Law, their early involvement was a crucial step in process. Advocates active in the 3ft. Law's legislative process claim that the Association of Chiefs of Police agreed to support the bill and became a valuable ally.

For some campaigns, the League of Illinois Bicyclists hired a part-time lobbyist. However, for the 3 Foot Law advocacy effort, the group was confident enough in the success of the bill that they did not feel it was necessary to hire one. The League of Illinois Bicyclists and the Chicagoland Bicycle Federation instead used e-mail to reach out to their membership and to members of other bicycle clubs around the state. The e-mail campaign urged cyclists call their legislators to ask for support. The campaign targeted

committee members in the hope that momentum from the committee would carry onto the legislative floor. This effort was successful as the bill passed the committee unanimously.

### **Barriers and Challenges**

There was no significant voice against the bill. This was attributed in large part to the stakeholder meetings with the Association of Chiefs of Police and other parties that could potentially have opposed the bill. The major stumbling block for the bill's advocates came in the form of potential local government opposition. A 1998 Illinois Supreme Court case, *Boub v. Wayne Township*, held local governments immune from liability for cycling injuries where the road did not have bike-specific features such as signage and lanes. The case established a disincentive for local governments to support any legislation that involved bicycles, and in fact many local government officials were trained to specifically look for the word bicycle when reviewing bills so that they could oppose them. To navigate this obstacle, the advocates of the bill made an effort to emphasize that the bill was a clarification the existing safe passing law rather than establishing a brand new statute.

### **Awareness and Education**

After the passage of the 3 Foot Law, the League of Illinois Bicyclists received a grant for police education. Using the grant, an in-person training session was held, but did not seem to draw as much interest as other training topics. Additionally, the League conducted a direct mailing to all state police officers discussing the law and other bicycle safety issues. The group is awaiting funds from another grant that will be used to develop an online officer training program.

In addition to educating law enforcement, efforts have been made to increase public awareness of the law. Immediately after the bill's passing, Federal 402 Highway Safety funds were obtained by the DOT to create radio advertisements about the 3 Foot Law. Leveraging driver's education programs was also a key component, as outreach efforts were made by the DOT to the 700 drivers' education instructors in Illinois, and an educational video was produced.

### **Impact**

Currently there are no metrics in place to measure the success of the law. The level of enforcement being carried out by police is uncertain. It should be noted that there has been at least one instance of a bicyclist fatality resulting in an automobile driver being charged with violating the 3 Foot Law as well as at least one fatality caused by a motor vehicle in which the driver was not charged under the law.

### **Policy Language**

As related to overtaking a bicyclist:

*The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than 3 feet, when passing the bicycle or the individual and shall maintain that distance until safely past the overtaken bicycle or individual.<sup>78</sup>*



## Kansas



Kansas enacted its 3 Foot Law on April 17, 2011. The law became effective on July 1. The law marked a strengthening of bicycle safety in the state, which previously only had a Reckless Driving Law that could be applied. That law, however, was inconsistently enforced when involving bicycle safety. A police officer in Lawrence, Kansas was fatally struck by an automobile while bicycling, but the charges to the driver were ultimately reduced, prompting many in the bicycling community to appeal for stronger protection of cyclists under the law. A member of the Kaw Valley Bicycle Club advocated for the adoption of the 3 Foot Law in Kansas so as to strengthen bicycle safety and increase penalties for drivers who cause

accidents with bicycles.

### Key Players

The 3 Foot Law bill in Kansas was spearheaded by the Kaw Valley Bicycle Club, a Topeka-based organization that promotes interest in bicycling through advocacy and organized rides. Though state police groups took neutral stances, there was support from bike cops in many municipalities. Motorcycle groups became a significant ally after the 3 Foot Law bill became attached to a Dead Red Law bill, which allowed motorcyclists and bicyclists who were unable to actuate the detection sensor at a red stop light to advance through it after waiting a reasonable time.

### Strategies and Tools

The Kaw Valley Bicycle Club's board engaged a lobbyist who agreed to work on a volunteer basis provided the Club paid a \$110 for the lobbying fee and the printing of business cards to be distributed at meetings with legislators. The lobbyist acted as the primary driver of the bill, being able to draw upon his long career at the state level that resulted in considerable respect and the ability to work closely with legislators. Lobbying efforts targeted known bicyclists in the House and Senate who subsequently became sponsors of the bill.



While it was critical to have a figure at the legislative level who knew its inner workings and how to navigate the politics associated with getting a bill passed, grassroots support was also important. At bicycle events around the state, sponsors collected names and e-mail addresses for a listserv, allowing quick mobilization of support and outreach to senators and representatives. Additionally, the daughters of a bicyclist who was struck and killed by a drunk driver while riding were brought to sit in on a committee hearing as a reminder of the vulnerability of bicyclists.

## Barriers and Challenges

The House Transportation Chair posed the main obstacle in passing the 3 Foot Law in Kansas. An advocate for trucking and highways, the Chair initially prevented a hearing on the bill, asking for a companion measure that would outlaw bicycles from highways without a shoulder. Additionally, a senator requested an amendment requiring that bicyclists ride single file when warranted by traffic conditions. Neither of these measures made it into the final version of the bill.

To overcome the Transportation Chair's opposition to the bill, it was attached to a Dead Red Law and a five mile per hour increase to the maximum speed limit allowed in the state. The Dead Red Law created an alliance between bicycle and motorcycle advocates, and the maximum speed limit increase appeased highway and trucking advocates. Motorcycle advocates were initially resistant to the attachment of the 3 Foot Law to the Dead Red Law, but it became apparent in committee that neither bill would move forward without being linked together. Throughout this process, the wording of the 3 Foot Law portion of the bill was never altered, and that portion of the bill received little attention compared to the more publicized provision increasing the maximum speed limit.

## Awareness and Education

The Kaw Valley Bicycle Club is making efforts to gain publicity for the law through the media. Unfortunately, most media attention after its passage was focused on the five mile per hour maximum speed limit increase attached to the bill rather than the 3 Foot Law. The club is lobbying for a 3 Foot Law question to be written into the state driver's examination and is attempting to set up meetings with police groups to educate them. Bumpers stickers about the law are being printed.

## Impact

Though the 3 Foot Law recently went into effect in Kansas, there is a sense amongst bicyclists that drivers are becoming more respectful and doing a better job of sharing the road. This evidence is anecdotal however and could be a result of other factors, such as the increasing number of bicyclists on the roads. There are no metrics in place at this time to measure success and the law is viewed more as an educational tool than regulation to be enforced.

## Policy Language

As related to overtaking bicycles proceeding in the same direction:

- (1) *The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.*
- (2) *The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.<sup>79</sup>*

## Louisiana

Louisiana successfully passed a 3 Foot Law in 2009 as part of the Colin Goodier Bicycle Protection Act. The law's passage followed the tragic death of Dr. Colin Goodier in June 2009. Dr. Goodier was rear-ended by a motorist while riding his bike in Baton Rouge. This followed the death of two other cyclists in



Baton Rouge in 2002. Originally, the effort of Baton Rouge cyclist, as well as other concerned citizens, was focused on establishing a 3 Foot Law within the parish of East Baton Rouge similar to the 2007 Tennessee law. Eventually, the effort to pass a 3 Foot Law spread statewide. 3 Foot Law advocates were able to convince Rep. Michael L. Jackson of Baton Rouge to sponsor the bill in the state legislature. Passage of the bill faced no significant opposition during the legislative process.

Louisiana established a Due Care Law in 1962 that required a motorist to “avoid colliding with any pedestrian upon any roadway.”<sup>80</sup> However, there was no specific law to protect cyclists or that prescribes a minimum distance for motorists passing a pedestrian or cyclist. During the legislative process, the bill was revised to include an anti-harassment provision that protected cyclist from having objects thrown at them by passing motorists. The Louisiana 3 Foot Law has not been expanded to protect other vulnerable roadway users since its passage.

### Key Players

Local cyclists and citizens of Baton Rouge who wanted to act in the wake of the death of Dr. Colin Goodier were main proponents of the bill. Dr. Goodier’s parents were involved in the campaign to establish stronger bicycle safety legislation and testified in front of the state legislature. These local advocates made direct appeals to the state legislature and were able to elicit the support of their local representative, Michael L. Jackson. Among the most active advocates was a member of the Baton Rouge Police Department’s Bicycle Squad.



### Strategies and Tools

Proponents of the Colin Goodier Bicycle Protection Act employed a social media campaign and used blogs to spread their message and gather support for the legislation. Colin Goodier’s parents were also involved in gathering support for the bill. They testified in front of the state legislature and appealed for the bill’s passage. The costs associated with getting the bill passed were minimal.

### Barriers and Challenges

There was no significant organized opposition to the passing of the bill. Some arguments were raised at the outset that questioned why cyclists were entitled to special protections beyond what other vehicles were given. However, this opposition was overcome by advocates explaining to the legislature why the law was necessary and through the testimony of Colin Goodier’s parents. There were no revisions that restricted the original intent of the bill. The only significant revision to the law was to include the anti-harassment provision.

## Awareness and Education

Since the law has been passed, the Baton Rouge's Capital Regional Planning Commission has undertaken a media campaign. The campaign features videos and media appearances by a local cyclist, Mike Bitton, who was struck from behind and seriously injured in 2010.<sup>81</sup> Louisiana State law also directs the Department of Public Safety and Corrections to include a summary of the Colin Goodier Bicycle Protection Act in the driver's education materials. In addition, the law directs the Department of Transportation to place signs informing motorists of the three foot passing requirement on roads frequently used by cyclists and directs the Highway Safety Commission undertake an awareness campaign to inform both motorists and cyclist of the requirements of the law.

## Impact

The perception among some cyclists is that the 3 Foot Law has been effective in creating awareness of the necessity to pass cyclist at a safe distance. However, bicycle advocates in Louisiana would like to see more enforcement of the law. Other than anecdotal evidence, there is no indication that police are strongly enforcing the three foot buffer.

Louisiana is actively attempting to gauge the success of a media campaign designed to increase awareness of the 3 Foot Law. A media firm was hired to conduct a survey at the beginning of the campaign to generate statistics on the public's awareness of the law. At the conclusion of the campaign, they will conduct another survey to create measures that quantify the effectiveness of the campaign in increasing awareness of the law. The firm will also look at crash data in addition to conducting focus groups in order to gather data on the 3 Foot Law's effectiveness.

## Policy Language

In regards to limitations of passing bicycles:

- A. This Section shall be known as the Colin Goodier Protection Act.*
- B. The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall exercise due care while the motor vehicle is passing the bicycle and shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet and shall maintain such clearance until safely past the overtaken bicycle. An operator of a motor vehicle may pass a bicycle traveling in the same direction in a no-passing zone only when it is safe to do so.*
- C. The Department of Public Safety and Corrections, office of motor vehicles, is directed to include a summary of this Section in any instructional publication for drivers.*
- D. The Department of Transportation and Development is directed to place signs in areas frequently used by bicyclists in an effort to make motorists aware of the need to share the road with bicyclists.*
- E. The Louisiana Highway Safety Commission is directed to engage in a public awareness campaign to notify motorists and bicyclists of the provisions of this Section.*

*F. Any person who violates this Section shall be fined not more than two hundred fifty dollars”  
(La. Rev. Stat. § 32:76.1 (2011)).<sup>82</sup>*

## Maine

Maine passed their 3 Foot Law in 2007. At the time of the 3 Foot Law’s passage Maine law required motorists to exercise due care when passing a pedestrian on the roadway, but there were no laws similar to a 3 Foot Law pertaining to cyclists. Cycling advocates sought passage of law to establish comfortable and safe cushion while riding. In addition, they believed the measure provided an opportunity to both improve bicycle safety education and increase support of bicycle advocacy throughout the state.



The 3 Foot Law received minor revisions during the legislative process. Maine attempted to pass a law that required motorists to give cyclists an additional one foot buffer for every ten miles per hour above a thirty mile per hour travel speed.

This provision, however, did not make it into the final draft. During the legislative process, roller skiers were added as a class of protected users under the law. The presence of cross country skiing training facilities in northern Maine, where roller skiers trained on local roads during the warmer months, provided the impetus to include this additional class of user. Following the 3 Foot Law’s passage, Maine extended a three foot protection to pedestrians under a due care law.



The law also requires a motorist to pass a pedestrian in a no passing area “only when it is safe to do so.”<sup>83</sup>

## Key Players

The Bicycle Coalition of Maine, an advocacy group, was the major proponent of the bill. They obtained the sponsorship of State Senator Dennis Damon. The coalition became a force in Maine politics after opposing a previous law requiring cyclists to ride ten feet from the centerline of the road. The law had been passed unanimously without the Coalition being aware of it. The Bicycle Coalition mobilized and urged members to call and e-mail their representatives. They convinced the legislature to reconsider the vote. Local legislative representatives were inundated with responses and voted to overturn the law unanimously. This event demonstrated to the Maine Legislature that Maine’s bicyclists and the Bicycle Coalition in particular, were an important constituency to be dealt with in state politics.

Police officers who spoke on the Coalition’s behalf offered additional support. The bill received bipartisan support in Maine legislature. Governor John Baldacci was also supportive of the bill and signed it

immediately. While he did not openly voice his support or opposition during the legislative process, the Bicycle Coalition of Maine did have a good relationship with Governor Baldacci's Secretary of Transportation. A Coalition member was part of the Secretary's staff and the first meeting was scheduled when the member was acting Secretary.

### **Strategies and Tools**

The Bicycle Coalition of Maine made sure to have a diverse group of members speak on behalf of the bill to demonstrate the diverse community of cyclists in the state. The coalition found it effective to have individuals who had been buzzed or hit by a passing motorist while riding testify about their experiences. The Coalition also spoke on the potential economic impact of the law in terms of the growing industry of bicycle tourism.

The Bicycle Coalition of Maine suggests reaching out to the state's health community as a strategy. The establishment of a 3 Foot Law should be framed partly as a health issue and not just a safety issue. Advocates should stress that better safety provisions encourage cycling as a method of exercise. The law would make it easier and safer for individuals to incorporate cycling as a routine daily physical activity. This could be especially effective in combating childhood obesity.

There were no significant costs associated with the 3 Foot Law's legislative process. All that was required was compensation for the time the staff of the Coalition spent in their efforts to get the law passed.

### **Barriers and Challenges**

There was no organized opposition against passing the 3 Foot Law. Some legislators voiced concerns about certain provisions of the bill. These concerns stemmed from minor issues such as the ability of vehicles to pass cyclist on narrow roadways. Some representatives wanted to see a provision included that required a cyclist to pull over if traffic backed up behind them. Similar to the experiences of other states, there were concerns with motorists' inability to crossing the double yellow line in a no passing zone in order to give cyclists a three foot buffer. This concern was alleviated by placing an exemption on this prohibition when passing a cyclist on a roadway with a double yellow centerline. These concerns created just enough opposition to prevent the law from passing either the Maine House or Senate by unanimous vote.

There were some minor revisions made during the legislative process. As mentioned above, language requiring an extra foot of space for every ten miles per hour over thirty was removed from the initial draft of the bill.

### **Awareness and Education**

The Coalition actively reaches out to law enforcement officers. They work with the Bureau of Highway Safety Liaison to gain access into Police District meetings throughout the state and offer officers a review of all laws affecting cyclists. At the meetings, the Coalition informs the police chiefs that they are available to educate their officers through mini training modules. The Coalition encourages the officers to pull over both motorists and cyclists who are violating the law.

To reach the general public, Maine has used a series of public service announcements (PSAs) associated with a “Share the Road Campaign”. These announcements remind motorists about the necessity of passing cyclist at a distance of at least three feet and that cyclist have the same rights on the road as vehicles do. The Coalition was able to enlist the help of Eric Weinrich, a locally popular former National Hockey League player, as a spokesman in these PSAs.

In addition, state law has created dedicated funding for bicycle safety education throughout the state. As a result, the coalition has been able to teach bicycle safety at between 70 to 100 schools annually. The number of bicycle crashes involving 12-15 year olds was reduced by half after the program was put in place. These classes act as a platform to teach children about the rules of the road for cyclists as well as the safety measures motorist must provide cyclists.

### **Impact**

The process of getting the 3 Foot Law passed was a rallying point that unified the cycling community in Maine. It is also a great asset to have the power of law behind cyclist safety. The law makes it easier to communicate with motorists on the necessity, and not just the good practice, of passing a cyclist with at least a three foot buffer.

Maine advocates are unsure of how vigorously the law is being enforced as no statistical evidence exists to evaluate enforcement. Some advocates believe the 3 Foot Law is being enforced better than hoped since they had no expectation the law would be enforced at all. Others do not believe the law is being enforced as strongly as it should be based on anecdotal evidence. The 3 Foot Law enforcement received media attention. In one instance, a local newspaper reported on a Brunswick resident being cited at their house by police after bumping a cyclist.

There is no formal mechanism to measure the success of the law. Certain advocates perceive that, in general, people are behaving on the road. Motorists seem to be giving cyclist room. However, there is no proof there is a causal relationship between the establishment of the law and improved motorist behavior.

### **Policy Language**

In regards to passing another vehicle:

*Passing bicycle or roller skier. An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so”<sup>84</sup>*

### **Maryland**

Maryland passed their version of the 3 Foot Law in 2010, one of the most recent states to do so. The motivation behind the bill was to increase motorist awareness of what is necessary to safely pass a cyclist. At the time of the 3 Foot Law’s passage Maryland law required motorists to “exercise due care to avoid

colliding with any pedestrian.”<sup>85</sup> There was a separate measure obliging motorists to “exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person.”<sup>86</sup> These provisions, however, did not explicitly state the amount of space needed in order to safely pass a bicyclist.



Bicycle advocates in Maryland encountered opposition that led to a series of revisions that weakened the 3 Foot Law to the point that the League of American Bicyclists withdrew support of the bill. The amendments allowed a motor vehicle to pass a cyclist at a distance closer than three feet in certain circumstances that has rendered the law virtually ineffective in terms of enforcement.

### Key Players

The main proponent of the bill was Bike Maryland, a bicycle advocacy group based out of Baltimore. There was also support from families of cyclists who were hit and killed by motorists. Political support was also provided by a few state senators and delegates. Local bike clubs, such as the Washington Area Bike Coalition, were active in the process along with environmental groups. The Maryland Bicycle and Pedestrian Advisory Committee (MBPAC) also lent support to the bill, but not actively involved in its passage. The governor-appointed MBPAC are not active legislatively according to state bicycle advocates.



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### Strategies and Tools

As in many states, unfortunately cyclist deaths spurred passage of the 3 Foot Law. These accidents increased public awareness of the issue. Families of victims who were struck while cycling presented strong testimony that was effective in pushing the law through the Environmental Matters Committee and into the two houses of state government.

Bike Maryland made, and encouraged their members to make, phone calls to various state senators and delegates. In addition, a group of 85 cyclists rode to the State House in Annapolis on the day the bill was being read on the floor to make the presence of concerned cyclists known.

The costs associated with these efforts were not very high – included in the costs were the salaries of the members of Bike Maryland who were involved in the project over a five year period.

### Barriers and Challenges

The only opponent to the 3 Foot Law was Delegate James E. Malone, Jr., the Vice Chair of the Environmental Matters Committee and Co-Chair of the Motor Vehicle Work Group. This was a significant barrier during the legislative process because the law to be approved by his committee before



it could reach the house floor. Delegate Malone's primary argument against the bill was that the law was unenforceable and there would be an excess of cases clogging up the legal system. In effect, Delegate Malone thought the law was unenforceable, but would be enforced enough to inundate the court system.

The contentious legislative process led to revisions that weakened the 3 Foot Law to a point that the League of American Bicyclists withdrew support of its passage. The amendments allowed a motor vehicle to pass a cyclist at a distance closer than three feet if the cyclist is not riding to the far right side of the road or if the cyclist is not riding in a bike lane when a roadway has one. There was also an amendment that allowed vehicles to pass a cyclist at distance closer than three feet if the roadway is not wide enough to lawfully do so. These revisions significantly reduced opportunities for enforcement according to bicycling advocates in Maryland.

### **Awareness and Education**

Prior to the law's passage, an officer would consider no one at fault in an accident where a motorist hit a cyclist. Bike Maryland has distributed a video to police departments demonstrating to officers that this is no longer the case. In addition, there is an effort to get the Maryland Department of Motor Vehicles to put short reminders of the law on the backs of envelopes in their various mailings.

Bike Maryland is able to educate the public on the various rules effecting cyclists through a state grant to conduct safety programs and bike rodeos. They have also conducted a series of adult community workshops to teach proper bicycle riding and safety.

### **Impact**

The law has been effective in increasing the awareness of cyclist safety. The 3 Foot Law has also been part of a recent strengthening of laws affecting bicycle safety in general. A bill was recently passed that stiffened penalties when a motorist knowingly drives in a reckless manner and causes the death of a cyclist or a pedestrian. Previously, perpetrators only received a small fine in traffic court unless law enforcement charged the driver with gross negligence. Gross negligence was a virtually impossible standard to meet as it requires intent. This law has established a stronger measure, short of gross negligence, by which to seek recourse. Now a motorist who kills a cyclist or pedestrian while driving recklessly could receive up to three years in jail and a \$5000 fine.

Bike Maryland hopes to see the 3 Foot Law more actively enforced but they did not anticipate much enforcement. For instance, advocates believe that law would not be enforced in certain areas of the state such as Baltimore since the city possesses many more pressing issues.

### **Policy Language**

In regards to passing and harassing cyclist or persons using a motor scooter or an electric personal assisted mobility device (EPAMD):

- (a) *Drivers to exercise due care. -- Notwithstanding any other provision of this title, the driver of a vehicle shall:*

- (1) *Exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; and*
- (2) *When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely at a distance of not less than 3 feet, unless, at the time:*
  - (i) *The bicycle, EPAMD, or motor scooter rider fails to operate the vehicle in conformance with § 21-1205(a) of this subtitle ("Riding to right side of roadway") or § 21-1205.1(b) of this subtitle ("Roadway with bike lane or shoulder paved to smooth surface");*
  - (ii) *A passing clearance of less than 3 feet is caused solely by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or*
  - (iii) *The highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet.*
- (b) *Throwing objects. -- A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter.*
- (c) *Opening doors with intent to strike, injure, etc. -- A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.*
- (d) *Yielding right-of-way. -- Unless otherwise specified in this title, the driver of a vehicle shall yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bike lane or shoulder if the driver of the vehicle is about to enter or cross the designated bike lane or shoulder."<sup>87</sup>*

## Minnesota

Minnesota passed the 3 Foot Law on April 20, 1995, making it the second state in the U.S. to do so. The motivation behind getting the bill passed was providing greater protection for cyclist. There were no similar laws on the books at the time of the 3 Foot Law's passage. There were laws in place, however, that gave bicyclist the same rights and responsibilities as motorist.



When the bill moved from the Senate to the House there was a section added that strengthened the law by adding provisions that made it a misdemeanor if a motorist were to negligently or intentionally harass or do something to alarm or frighten a cyclist while passing them on the road.

The law has not been expanded to protect other users, but there are efforts anticipated to establish a Vulnerable User law in the state.

Minnesota has a fairly comprehensive set of bicycle laws. Bikes are treated the same as pedestrians in

intersections and crosswalks. Bicyclists have a right to use the road and are not required to use a bike lane or path if they choose not to.

### **Key Players Strategies and Tools**

Senator Jane Krentz and Representative Leslie Schumacher were the main proponents of the 3 Foot Law. These legislators and their staffs led the efforts in getting the law established. The 3 Foot Law's passage was not a major issue in the state government. It is assumed very little costs were required. A big lobbying effort was not required to garner support for the bill.

### **Barriers and Challenges**

No serious opposition or arguments against the 3 Foot Law's passage needed to be overcome. The only revision to the bill was the addition of an anti-harassment provision that strengthened the 3 Foot Law. No language was retracted from the original bill.

### **Awareness and Education**

Since the 3 Foot Law's establishment in 1995, considerable signage has been erected along streets to remind motorists to share the road. Many physical improvements have been made to the biking infrastructure including the placement of shared-lane markings (sharrows) throughout the state since that time. Motorists are becoming more aware of cyclists and that they have to share the road with them and give them space.



### **Impact**

There appears cyclists have received more attention in Minnesota since the 3 Foot Law's passing. It is not apparent if the law is the source of this increased attention to cyclists or if it is due to the growing popularity of cycling as a mode of transportation in the state. Anecdotally, cyclists report that many motorists still give them a three foot buffer when they pass, many years after the bill was first enacted.

Some advocates do not believe the 3 Foot Law is being enforced as adequately as it should. There are generally one to three tickets issued per year throughout the state for three foot law violations. However, it is not known if this is due to a lack of enforcement or if motorists rarely violate the 3 Foot Law. Cyclists still encounter some motorists who do not pass at a safe three foot distance, lending support to the observation that the law is not actively enforced.

There are no formal success measures in place in Minnesota to evaluate the impact of the 3 Foot Law. Some advocates believe that success of the law is the increased awareness of cyclists' right to be on the road as well as the specific definition of where a car should be and where a bike should be on the road.

## Policy Language

As related to overtaking a bicycle or individual:

- (3) *the operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on the roadway shall leave a safe distance, but in no case less than three feet clearance, when passing the bicycle or individual and shall maintain clearance until safely past the overtaken bicycle or individual.*<sup>88</sup>

## Mississippi

Mississippi passed the 3 Foot Law in 2010 as part of the John Paul Frerer Bicycle Safety Act. Two unsuccessful attempts to pass similar legislation occurred in 2008 and 2009. The earlier efforts focused on the Jackson area. The third and final attempt to gain passage of the bill gained momentum due to the unfortunate death of John Paul Frerer in 2010. John Paul was a high school student from Tupelo who was struck from behind and killed by a motorist while training for a triathlon. The general motivation behind the three attempts was the safety of cyclists in the state of Mississippi. The safety issue was very important to Bike Walk Mississippi. Members of other local groups also had experienced motorists passing too closely were motivated to get this type of law in place.



Mississippi passed its Due Care Law in 1983 that required motorists to “exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary.”<sup>89</sup> However, the law contained no provisions outlining a safe passing distance. Advocates are considering supporting a vulnerable user law passed during the 2012 legislative session. Concern exists, however, that such an effort would be difficult given that the state legislators who made up the leadership at the time of the 3 Foot Law’s passing are no longer members of the state government.

## Key Players

Bike Walk Mississippi, a statewide bicycle and pedestrian advocacy organization, was a major proponent behind the 3 Foot Law. Their board of directors was extensively engaged in the process to bring about the passage of the law. Liria Frerer, the mother of John Paul Frerer, was also an active proponent. Additional local bicycle clubs throughout the state supported the legislative effort, including Jackson Metro Cyclist and the Oxford Cycling Club. The Gulf Coast Heritage Trails Partnership also promoted adoption of the law. The 3 Foot Law received the support of law enforcement through the Natchez Trace Parkway Rangers.

## Strategies and Tools

Bike Walk Mississippi familiarized itself with the Mississippi Legislature in order to guide their approach. They identified a champion from both the Senate and the House transportation committees

and contacted representatives and senators individually by e-mail asking for their support of the bill. Bike Walk Mississippi also reached out to its own membership by e-mail encouraging them to contact their local representatives. The organization created and distributed pocket guides on the proposed bicycle safety law to individuals outside the capitol building.

The cost associated with the bill's passage was a portion of the Bike Walk Mississippi Executive Director's salary. As volunteers drove much of the process, overall costs were minimal. Personal costs to volunteers were largely due to traveling between home and the State House in Jackson.

### **Barriers and Challenges**

There was little vocal opposition to the John Paul Frerer Bicycle Safety Act. The House vote yielded just a few nay votes. Some representatives wanted the bill to have broader scope and include language relating to bicycle equipment, such as proper brakes and light devices for night riding. Others thought that the bill did not go far enough, failing to mandate that all cyclist wear helmets. Though there was little opposition, the typical argument advocates faced was the position that bicycles do not belong on certain types of roads. This position often stems from the belief that motorists have priority on roads as they pay taxes and buy a license plate and bicyclists are not required to do either.

Some arguments against the 3 Foot Law may be attributed to a strong cultural commitment in Mississippi to protecting personal liberty. This made it difficult to convince some of the necessity of the law. Some believe that bicycle protection measures interfere with the rights and liberties of the motorist and that the law would allow the state to step in and mandate proper driving behavior. Advocates cite a general



prejudice against the bicycle as a vehicle in the state. However, arguments such as there were raised by only a small minority and no significant revisions to the law were necessary.

### **Awareness and Education**

The Mississippi Department of Transportation is currently working with cyclists to determine where signage reminding motorists of the 3 Foot Law should be located. Bike Walk Mississippi is also reaching out to various media outlets to run radio PSAs. In addition, they are distributing a window decal that motorists can display on their vehicles to increase public awareness of the law.

Advocates have contacted local police chiefs about educating officers. They have been advised to develop brief training materials that could be used during roll call. The materials would remind police officers to enforce the laws as they pertain to both cyclists and motorists. Advocates have been invited to speak to police academies throughout the state to inform cadets of the laws affecting cyclists.

## Impact

The Mississippi cycling, running and triathlete community is thankful for the passage of the law and feels a sense of pride in Mississippi taking a lead in protecting the cycling community. The 3 Foot Law has provided opportunities for advocates to talk with state legislators and police about the concerns of cyclists.

Additionally, the popularity of the bicycle as an activity for both exercise and transportation has noticeably increased in the opinion of some advocates in Mississippi. There have been accommodations made for cyclists on public transportation in the state's Gulf Coast region. Advocates observed that rise in the number of people riding to buses as part of their commute. The number of bicycling events held in the state is also the rise and are drawing more riders.

The 3 Foot Law is being enforced as expected, but bicycle advocates in Mississippi do not think this enforcement is adequate. There is no requirement that a ticket must be issued if there is a violation as this is at the officer's discretion. Certain advocates believe a cultural bias against cyclists on roads lies at the root of this reluctance to ticket. It is believed that many officers feel it is unsafe for cyclists to be on the road and that they assume the risk when they ride. Local advocates believe police need guidance on the rights of cyclist to be on the road. Advocates' observations are supported by an incidence where a cyclist was struck twice and severely injured by the same motorist while riding in the shoulder but no ticket was issued by the responding officer. Currently there is no accountability if an officer chooses not to issue a ticket.

There is no formal mechanism to measure the success of the 3 Foot Law in Mississippi. Anecdotally, some cyclists observe that motorists seem to be giving them more space on the roads. It is unclear, however, if this is due to the presence of the law.

## Policy Language

Regarding the rights and duties of operator of motor vehicle with respect to bicycles:

- (1) While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.*
- (2) A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.*
- (3) The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any highway or driveway unless the turn can be made with reasonable safety<sup>90</sup>*

## Nevada

Nevada passed the 3 Foot Law during the 2011 legislative session, making it one of the more recent states to enact the law. The law went



into effect on October 1, 2011. The motivation came in response to the death of a prominent member of the Las Vegas community who was hit from behind while riding his bike.

Prior to the passage of the 3 Foot Law, Nevada enacted two laws concerning bicyclist and pedestrian safety. One required that motorists pass a cyclist “safely” but included no definition of what that entailed. The other law required that motorists exercise due care to avoid a collision with pedestrians.

During the 2011 legislative session, there was also a separate successful campaign to pass a vulnerable user law. The law increases the penalty when a “driver of a motor vehicle is the proximate cause of a collision” injuring or killing pedestrians and cyclist specifically. These penalties were also extended to include a motorist who struck people waiting at bus stops.<sup>91</sup> There were a few revisions to the vulnerable user law attributed to a reorganization and simplification of the original language. The revisions had no significant effect on achieving the bicycling advocates’ ultimate goal of establishing stiffer penalties for motorists who cause accidents with cyclist and pedestrians.

### **Key Players**

Dennis Lee, a cyclist from Las Vegas, was the author of the bill that featured the 3 Foot Law. He took up the cause after a prominent member of the local community was hit while riding. Lee was able to enlist the support of many high profile Democratic senior senators in the state legislature. Advocacy groups, such as the Nevada Bicycling Coalition and Muscled Power Carson City, were heavily involved the bill’s passage. Local recreational bicycling groups generated support and organized a campaign to e-mail to local representatives.



### **Strategies and Tools**

Advocates for the 3 Foot Law employed basic strategies in their efforts. Cycling advocates testified before the legislature. Groups in both the southern and northern part of the state asked members to support an e-mail campaign to garner support from local their state legislative representatives.

The costs behind the 3 Foot Law’s legislative process were very low. Nevada’s non-profit bicycle advocacy groups conducted a grass roots effort with a limited budget. According to advocates, new legislation in the state often results from a small group of people working through the political process.

### **Barriers and Challenges**

Advocates in Nevada did not encounter any significant opposition or barriers during the legislative process. The only argument raised against the 3 Foot Law was that it was a potentially unenforceable. According to opponents, it would be difficult for an officer to determine, in real time, if a car was closer than three feet. There were no significant revisions of the intended language of the 3 Foot Law necessary.

Only in their efforts to pass a vulnerable user law, did advocates have to make minor concessions on language.

### **Awareness and Education**

Advocates hope the state will use electronic billboards similar to the type used to issue Amber Alerts to spread awareness of the law. The billboards would notify motorists of the new 3 Foot and Vulnerable User laws that recently went into effect. The Nevada Bicycle Coalition also held a “bike parade” on October 1, 2011, the day the 3 Foot Law went into effect. The parade was from City Hall in Reno to the City Hall in the neighboring Sparks, NV. The Nevada Bicycling Coalition intended for the parade to generate media coverage and help spread the word on the new laws.

### **Impact**

Since the law was enacted only a short time ago, it is difficult to ascertain the positive outcomes that may have resulted or if the law is being enforced adequately. Advocates hope to see a decline in the number of cyclists hurt or killed in these types of accidents. The evidence will be tough to quantify since there are very few accidents involving cyclists being struck by motorists in the state. Nevada has a very small cycling community.

### **Policy Language**

In regards to both motorist and bicyclist behavior when sharing the road:

*1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle.*

*2. When overtaking or passing a bicycle or electric bicycle proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:*

*(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe;*

*or*

*(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle or electric bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle or electric bicycle.*

*3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park, or drive within a pathway or lane provided for bicycles or electric bicycles except:*

*(a) When entering or exiting an alley or driveway;*

*(b) When operating or parking a disabled vehicle;*

*(c) To avoid conflict with other traffic;*



- (d) In the performance of official duties;*
  - (e) In compliance with the directions of a police officer; or*
  - (f) In an emergency.*
4. *Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.*
5. *The driver of a motor vehicle shall:*
- (a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and*
  - (b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.*
6. *The operator of a bicycle or an electric bicycle shall not:*
- (a) Intentionally interfere with the movement of a motor vehicle;*
- or*
- (b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.<sup>92</sup>*

## New Hampshire

New Hampshire passed its 3 Foot Law in 2008. The law was enacted in January 2009. The language of the bill was influenced by Maine's three foot legislation passed the previous year. Bicycle advocates' motivation in seeking legislation was the frequent close calls between motorists and cyclists on the state's roadways. Advocates believed that most people did not realize that bicycles are vehicles and roadway users entitled to the same rights as motorists.



Prior to the passage of the 3 Foot Law, New Hampshire law required motorist to "exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle."<sup>93</sup> However, there were no laws that assigned what a safe passing distance was or what passing with due care implied.

The New Hampshire law is unique in that it specifies that three feet is merely the safe distance in which to pass a cyclist at 30 mph or below. The law recognizes that a cyclist requires more space when vehicle travel speeds are higher. New Hampshire law requires that a motorist give a cyclist an additional one foot of space for every ten mile per hour travel speed increment above thirty miles per hour. At this point,

the New Hampshire 3 Foot Law has not been expanded to protect other users. Cycling advocates in New Hampshire hope the next step is to make the law more comprehensive.

### **Key Players**

The major proponent behind the efforts to pass the 3 Foot Law was the Bike Walk Alliance of New Hampshire, which is the main bicycle advocacy group in the state. Local bike groups supported the effort through mail and e-mail campaigns. Two groups, Seacoast Area Bicycle Routes (SABR), which seeks to create safe bicycling routes along the states coastline, and the Injury Prevention Center at Dartmouth-Hitchcock Medical Center also contributed to the legislative effort.

The Bike Walk Alliance communicated with the New Hampshire Department of Safety and the Department of Transportation early in the process in order to educate the agencies and to correct any common misunderstanding on the 3 Foot Law. The Alliance was able to gain both departments' support early in the process. This early communication afforded the Bike Walk Alliance the support of those key players before any Transportation Committee hearings took place.

The Governor John Lynch was involved and supportive of the 3 Foot Law. The Governor and his wife, Dr. Susan Lynch, are both avid cyclists. They both take part in New Hampshire's Annual Bike and Walk to Work Day that is held in May.

### **Strategies and Tools**

Advocates from the Bike Walk Alliance found that contacting people from the Department of Transportation and the Department of Safety at the outset was a very effective strategy. The support of those state agencies was an important asset early in the process. Bike Walk Alliance worked through its membership to conduct an e-mail and letter writing campaign, targeting the legislators on the Transportation Committee. At the time of the hearings, legislators had large piles of letters and e-mails in front of them.

### **Barriers and Challenges**

There was no significant opposition to the passing of the 3 Foot Law. The Bike Walk Alliance feels that their strategy to reach out to state agencies was vital in alleviating concerns and correcting any misperceptions that potential opponents may have had. There was a series of meetings over a six month period with various entities in order to educate them on the details of the bill. By the time of the Transportation Committee hearings, everyone was educated, prepared and supportive of the legislation.

Costs associated with the 3 Foot Law's legislative process were very low. The process proceeded quickly as it took only eight months from the time of conception to when the governor signed the bill. The only revision made to the initial draft of the bill was language that required a cyclist, riding between dusk and dawn, to wear at least one item of reflective gear.

### **Awareness and Education**

In order to increase awareness and education of the 3 Foot Law, advocates have reached out to the New Hampshire State Police Academy and local police departments. In order to educate the general public, questions regarding the law have been added to the New Hampshire State Driver Manual. In addition,

curriculum relating to the 3 Foot Law has been added to the drivers' education courses. Concord TV and the City of Concord's Transportation Policy and Advisory Committee (TPAC) produced a video PSA which aired repeatedly on local cable TV. Additionally, the Bike Walk Alliance wrote and paid for six months of radio PSAs broadcast in the more highly populated southern end of the state to educate existing drivers.

### Impact

The Bike Walk Alliance of New Hampshire claims that there is a greater awareness of the rights of bicyclist since the 3 Foot Law has been passed. Through various efforts, both law enforcement and the general public are aware of the requirement to safely pass a cyclist at a distance of at least three feet.

According to certain advocates, the law is marginally enforced at best. Police claim they are too busy to worry about cyclists. The law is usually enforced after someone has been hit.

Currently the Bike Walk Alliance is engaged in meetings with law enforcement agencies to come up with solutions to increase enforcement. From these meetings, the Bike Walk Alliance and the New Hampshire State Police devised a solution to handle incidents of "buzzing." "Buzzing" is when a motorist purposely passes cyclist at a close distance in order to scare or potentially run a cyclist



off the road. It is difficult for local police to catch motorists who are engaged in the prank since much of New Hampshire is comprised of small villages. By the time a cyclist reports the incident, the driver is most likely in the next village. This leads to police being reluctant to go through the process of trying to locate the motorists in a different village. Bike Walk New Hampshire and the State Police are devising a system with the New Hampshire State Police that will create a statewide incident reporting system. If three separate incidents of buzzing are reported by a vehicle matching a similar description, the state police will step in and try to locate the suspect.

Success of the 3 Foot Law has been hard to measure in New Hampshire. The Bike Walk Alliance has chosen to focus on the law as a mechanism to educate and increase awareness. They do believe, however, that the state needs better enforcement measures.

### Policy Language

Regarding a motorist approaching a cyclist:

*Every driver of a vehicle, when approaching a bicyclist, shall insure the safety and protection of the bicyclist and shall exercise due care by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.<sup>94</sup>*

## Oklahoma



Oklahoma passed the 3 Foot Law in 2006. The motivation passage of the bill passed was the protection and safety of cyclists in Oklahoma. There were no other applicable laws in Oklahoma related to pedestrians or cyclists at the time of the 3 Foot Law's passing. The passage of the legislation went rather smoothly and there were no revisions made to the initial draft of the bill. As of now, the 3 Foot Law has not been expanded to protect other roadway users. However, there have been steps taken by the Oklahoma Bicycle Coalition to have measures similar to a vulnerable user law enacted in the state.

### Key Players

The Oklahoma Bicycle Coalition and other local cycling groups advocated for the bill, and later, advocated for stricter local laws. In addition, the governor at the time of the 3 Foot Law's passage, Brad Henry, identified himself as a cyclist and was supportive of the bill.

### Strategies, Tools, Barriers and Challenges

According to the Oklahoma Bicycle Coalition, there were not any substantial strategies or tools employed to get the 3 Foot Law passed. The legislative process was quiet. Once the bill was introduced it gathered support rather easily amongst the legislators. There was no direct opposition to the 3 Foot Law's passage. More recently, the law has raised some concern as local municipalities have attempted to strengthen the law.

### Awareness and Education

The Oklahoma Bicycle Coalition sent letters written by a commissioned law enforcement officer to local police departments around the state and the Oklahoma District Attorney's office reminding them of the law's protection of bicyclists. The text of the letters was precise and included wording that affirmed the "equitable enforcement" of laws regarding cycling. The coalition called for the active enforcement of laws including violations made by both cyclists and motorists.

### Impact

Anecdotally, cyclists report an improvement in motorist behavior around Oklahoma City, but make no mention of motorist behavior in other parts of the state. Advocates believe there is a greater awareness, but have collected no data to support these conclusions. Success of the law is hard to determine. The 3 Foot Law in Oklahoma is a relatively weak one. The law requires the cyclist to suffer injury or death in order for a violation to be issued – close passing in and of itself is not a violation under the language of the law. There is reason for concern as there have been an estimated twenty deaths of cyclists since the law passed, but not one instance of a citation being issued to a motorist. Local communities have taken it upon themselves to enact stricter laws in which a close pass would be punishable by a fine.

## Policy Language

In regards to overtaking and passing bicycle and the associated fines and penalties for violations of those provisions:

*A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.*

*B. If a person violates the provisions of subsection A of this section and the violation results in a collision causing serious physical injury to another person, the person shall be subject to a fine of not more than Five Hundred Dollars (\$500.00).*

*C. If a person violates the provisions of subsection A of this section and the violation results in the death of another person, the person shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), in addition to any other penalties prescribed by law.<sup>95</sup>*



## Tennessee

Tennessee passed their 3 Foot Law quietly during the 2007 legislative session. According to local bicycle advocates, the process was “very under the radar” with little noise created by either advocates or opponents of the bill. The motivation behind the bill was the unfortunate death of cyclist Jeff Roth in August of 2006. The Jeff Roth Cycling Foundation was created in his memory. They hoped to take action to improve the safety of cyclists throughout the state as a tribute to their friend. Pressing for the enactment

of a 3 Foot Law was recommended by the League of American Bicyclists as a potential tribute to Mr. Roth’s memory.

At the time of the 3 Foot Law’s passage, there was a due care law that required motorists to “exercise due care to avoid colliding with any pedestrian upon any roadway.” However, that law did not mention cyclists specifically.<sup>96</sup> The 3 Foot Law has not been expanded to protect other vulnerable classes of roadway user. Tennessee did expand upon its due care law. The law raised the offense to a stiffer Class C misdemeanor for those who hit a pedestrian or cyclist and extended the definition of the roadway to include the shoulder, berm, and sidewalk or bike lane. The law also added falling asleep at the wheel and subsequently striking a pedestrian or cyclist as an offense.



### **Key Players**

The Jeff Roth Cycling Foundation is a loosely organized group that found a sponsor for the bill. There was little significant support from Tennessee's bicycling community as they were not organized around this issue at this time and were not fully aware that the 3 Foot Law was being introduced. There was no significant public awareness campaign undertaken.

### **Strategies and Tools**

There were no significant strategies undertaken to gather support during the legislative process. The 3 Foot Law there was passed quietly and easily with no noteworthy opposition. The relative ease of the process kept costs minimal. Costs included only the time and efforts of the individuals at the Jeff Roth Cycling Foundation. After the bill was passed, Bike Walk Tennessee spent \$500 on awareness campaigns.

### **Barriers and Challenges**

The 3 Foot Law was passed with relative ease in the Tennessee Legislature. There was no significant opposition as the bill was passed under the radar. A small group of loosely organized individuals did the work and there was no attempt to gather a base of supporters to push the bill through. There was no media coverage that raised a red flag to any potential opponents and no significant arguments were encountered during the legislative process. The 3 Foot Law was not brought up on the Tennessee House Floor. The lack of opposition allowed Jeff Roth and Brian Brown Bicycle Protection Act of 2007 to go through the legislative process with no revisions to its original draft.

Opposition to bicycle safety initiatives was encountered later during the effort to pass a Due Care/Vulnerable User Law. The opposition argued that cyclists do not require special protection separate from other roadway users. As opposed to 3 Foot Law, the Due Care Law was brought up for discussion on the House floor before eventually being passed unanimously with no separate vulnerable user classification established for pedestrians and cyclists.<sup>97</sup>

### **Awareness and Education**

The efforts to increase awareness of the 3 Foot Law in Tennessee consist of a grassroots, out of pocket, campaign. Walk Bike Nashville, Harpeth Bike Club, and the Jeff Roth Cycling Foundation have collaborated to create the educational website, [tennessee3feet.org](http://tennessee3feet.org). The site provides resources and information for those interested in the 3 Foot Law. The Jeff Roth Cycling Foundation also created and distributes bumper stickers. Bike Walk Tennessee undertook a poster campaign designed to educate police officers and the general public has placed 500 posters around the state in Driver's License Centers and Police Departments.

### **Impact**

There is no formal process in place to measure the success of the 3 Foot Law. However, the 3 Foot Law has provided advocates the opportunity to raise awareness among the general public and to train law enforcement. The most significant problem advocates have faced in Tennessee is a lack of financial support required in order to achieve these outcomes more fully.

The 3 Foot Law is being enforced as advocates expected in Tennessee; however, there was not a strong expectation that much enforcement would take place. The nature of the law can make it hard for police to widely enforce. Officers do not necessarily know how to gauge what three feet looks like on the roadway. It is hard to prove that the motorist was too close to a cyclist if a ticket is challenged.

Unfortunately a violation of the law may only become apparent after someone is hit and they are hurt or killed. Anecdotal evidence supports that the 3 Foot Law is being enforced in some instances. Advocates at Bike Walk Tennessee are aware of at least two tickets being issued. One incident involved a van striking a cyclist with its mirror which put the cyclist in the hospital for a long period of time. The other incident involved a dump-truck plowing into a cyclist on the shoulder of the road. In this circumstance, the issue was raised whether the shoulder was in fact part of the roadway and if the law was applicable.

### Policy Language

In regards to a motorist passing a cyclist and the associated penalties:

*(c) (1) This subsection (c) shall be known and may be cited as the "Jeff Roth and Brian Brown Bicycle Protection Act of 2007."*

*(2) The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3) and shall maintain the clearance until safely past the overtaken bicycle.*

*(d) A violation of this section is a Class C misdemeanor. <sup>98</sup>*

### Utah

Utah passed the 3 Foot Law in 2005. The bill was passed as a result of a grassroots movement within the cycling community that enlisted support from a local legislator to champion the bill. Local advocates became motivated to pass the 3 Foot Law after the unfortunate death of local bicyclist.



Prior to the 3 Foot Law, there were no similar laws to protect bicyclists or other vulnerable road users in the state of Utah. However, the state driver manual recommended three feet of space to safely pass a bicyclist. Before approval by the state legislature, the bill was revised multiple times due to disagreement on the specific language of the bill. Since passage in 2006, no amendments have been added to modify the law.

### Key Players

The main proponents of the 3 Foot Law included local bicycle advocates, legislators, and the Salt Lake City Police university killed in Salt a major local that failed to result of her movement bill. The Utah proponent, create professor at friend to Josie to a



Department. In 2004, a local student, Josie Johnson, was Lake City while biking along road by a passing vehicle give adequate clearance. As a death, a grassroots was formed in support of the Bicycle Coalition was a key organizing memorial rides to awareness and support. A the university, and personal Johnson, reached out directly Democratic state legislator in

Utah to garner political support for the bill. The bill was sponsored by Representative Rosalind McGee in the Utah State House of Representatives and was signed into law by the Governor, Jon Huntsman Jr., on February 13, 2005. When the bill passed in 2005, the Utah 3 Foot Law was coined "Josie's Law."

### **Strategies and Tools**

The 3 Foot Law was successfully passed in Utah due to the efforts of local advocates and bipartisan support in the Utah House of Representatives. In 2005, the political climate in the state was divided; Republicans held the majority in both the state house and senate. A rally was held at the state capitol by bicycle advocates to gain support of the law and increase bicycle safety awareness throughout the state. Advocates organized e-mail campaigns and sent personal letters to legislators to garner support.

Additionally, the death of Josie Johnson prompted strong media coverage, in both local newspaper and television. The emotional appeal of the situation created a strong platform from which bicycle safety advocates could gain supporters within the community. The estimated cost of passing the bill was extremely low as the campaign was volunteer based. There was a small cost associated with rally that was held at the state capitol.

### **Barriers and Challenges**

Automobile insurance companies opposed the 3 Foot Law in Utah. Insurance companies argued that the provision places too much responsibility on motorists. In addition to the opposition from insurance companies, the divided political climate of the state was also a barrier to implementation. Some Republicans in the Utah House of Representatives were against Democrats successfully passing any legislation, regardless of the content, according to advocates involved with promoting the 3 Foot Law. Currently, there have not been any revisions made to the ordinance since its passing in 2005.

### **Awareness and Education**

The bill articulating the 3 Foot Law in Utah included the designation of \$20,000 for funding of an educational and awareness campaign. The state driver manual was updated to include further information instructing motorists on how to pass bicyclists. As part of the Zero Fatalities Campaign, the



state’s Road Respect campaign was launched to specifically educate bicyclists and motorists on how to interact on the road. A video on the campaign’s website (also available on YouTube) directly addresses giving bicyclists three feet when passing in a motor vehicle.<sup>99</sup>

### Impact

While the police force was in support of the law from the beginning, the law is intended mainly as an educational tool. Because the law is difficult to enforce, citations are usually issued after a collision with a bicycle occurs. A positive outcome resulting from the law is the increased awareness of how to operate both bicycles and automobiles together and the importance of road design. The increased awareness of bicycling has also led to a larger push to increase bicycle infrastructure in the state, specifically bike lanes.

While there is no specific metric to measure the success of the 3 Foot Law, Utah is one of three states that have adopted a Zero Fatalities Campaign. This campaign aims to promote traffic safety throughout the state and to achieve zero traffic fatalities each year in Utah. The Zero Fatalities program also keeps more detailed statistics on traffic fatalities each year. From 2005 to 2010, the number of overall traffic fatalities has decreased from 282 to 235. This evidence is inconclusive, at best, because during the year the 3 Foot Law was passed (2005) there were three bicyclist fatalities in the state, compared to seven bicycle fatalities in 2010.<sup>100</sup>

### Policy Language

As related to operating a motor vehicle near a bicycle:

*An operator of a motor vehicle may not knowingly, intentionally, or recklessly operate a motor vehicle within three feet of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle.<sup>101</sup>*



### Wisconsin

Wisconsin was the first state to pass a 3 Foot Law, doing so in 1973. Due to the length of time since its passage, the motivation behind the passing of the initial 3 Foot Law is unknown. Advocates assume however the motivation behind the bill was to reduce the risk of cyclists being sideswiped while riding and to increase the cyclist’s perception of safety in general. There were no other similar or applicable laws dealing with cyclists and pedestrians in Wisconsin at the time of the 3 Foot Law’s passage. There has been one addition to the original text that requires motorists to pass stopped buses at a safe distance and not to turn right in front of them.

### Key Players, Strategies & Challenges

Advocates in Wisconsin are not aware of who the major proponents of the three foot bill were because the bill was passed 39 years ago; nor are they aware of the strategies that were employed to get the bill passed through the Wisconsin Legislature in 1973. It is uncertain if there was opposition to the 3 Foot Law’s passage in Wisconsin, nor is it known what any of their potential arguments may have been.

### Awareness and Education

Within the past year, the Bicycle Federation of Wisconsin has stepped up its efforts with a statewide education campaign to increase awareness of the 3 Foot Law as well as cyclists' rights and safety. They have launched a direct media campaign that includes television PSAs, radio advertisements, and billboards. They are also producing an informal educational program for law enforcement that could be utilized at roll call or similar instances. These brief lessons could serve as refreshers on policy and laws that affect cyclists in Wisconsin.



### Impact

Advocates in Wisconsin think that motorists in their state tend to give cyclists a bit more room than in other locales. It is not apparent if this stems directly from the law, or if motorists in Wisconsin are more aware now of cyclists' presence on the roads.

In general, the law is not being enforced as advocates expect, but enforcement is tough due to the nature of the law. They feel the greater benefit is the additional awareness and educational opportunities the law provides. The law also provides some recourse for a cyclist who is injured in an accident with a passing vehicle in the absence of a vulnerable user law. There are no formal success metrics in place to measure the 3 Foot Law's effectiveness in Wisconsin.

### Policy Language

In regards to a motorist overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses:

*346.075(1) (1) The operator of a motor vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle or electric personal assistive mobility device, and shall maintain clearance until safely past the overtaken bicycle or electric personal assistive mobility device.*

*346.075(2) (2) Except as provided in s. 346.48, if the operator of a motor vehicle overtakes a motor bus which is stopped at an intersection on the right side of the roadway and is receiving or discharging passengers, the operator shall pass at a safe distance to the left of the motor bus and shall not turn to the right in front of the motor bus at that intersection.<sup>102</sup>*

## **CHAPTER 5: INTERVIEWS WITH NATIONAL BICYCLE EXPERTS**

To better understand the range of views offered by bicycling advocates on the 3 Foot Law, several interviews were conducted with national advocates representing both support and opposition to the law.

### **Arguments from Bicycle Advocates in Support of the Law**

Advocates of the 3 Foot Law find it to be a valuable tool for increasing bicycle safety and educating drivers on sharing the road. One advocate noted that being hit by a motorist from behind is far from the top cause of bicycle accidents, yet it is one of the top fears of non-cyclists. Therefore, one of the primary benefits of the 3 Foot Law is to make non-cyclists feel more comfortable getting on a bike. This in itself yields safety benefits, as the best way to decrease risk is to increase the number of people bicycling. Greater numbers of cyclists makes motorists more likely to expect their presence and become accustomed to sharing the road.

While it is acknowledged that the 3 Foot Law is difficult to enforce, it is viewed by most advocates primarily as an educational tool. Many motorists are simply not aware of the dangers posed by passing a cyclist too closely. For instance, a cyclist could be pulled into traffic by the drag off a passing vehicle or startled to a point that causes them to lose control of their bicycle. The strongest policies mandate that the law become integrated into the state driver manual and license exam. This makes understanding how to share the road a required part of being a licensed driver. While many bicycle advocacy organizations already do significant bicycle safety education at the grassroots level, having the official backing of law can add strength to their efforts.

Though enforcement is rare, it is not impossible. One advocate described an account of a police department conducting an undercover operation targeting motorists violating the 3 Foot Law. Drivers guilty of violation were given a warning and informational materials on safely interacting with bicycles on the roadway. Furthermore, the 3 Foot Law offers a greater opportunity for justice to be served when accidents do occur. Too often motorists responsible for the severe injuring or even death of a cyclist are punished with only minor fines. The 3 Foot Law, when backed by a strong punishment for violation, can deliver justice and an increased deterrence for unsafe passing.

One advocate felt that the extreme ends of the spectrum of road users will probably always remain problems: there will continue to be drivers who are aggressive toward bicyclists as well as bicyclists who ride in an aggressive and unsafe manner. However, most people fall in the middle and want to be safe and use best practices but may not know how to properly pass a bicyclist. This is where campaigns such as the 3 Foot Law can have a great impact by educating drivers on how to safely share the road with cyclists.

### **Arguments from Bicycle Advocates in Opposition to the Law**

Not all bicycle advocates are supportive of the 3 Foot Law. Many view it as a feel good law that is not very practical in reality. Some have observed no noticeable change in driver behavior after the passage of the law in their state. In fact, they argue it could have detrimental effects. According to one advocate, a

market research firm surveyed motorists in one state about what they felt the minimum safe passing distance of a bike was. While a low percentage of drivers responded with three feet, the majority gave five to ten feet as an answer. The advocate suggested that specifying three feet in the law could lead some drivers to actually reduce the amount of space they give to bicyclists.

A fear voiced by another advocate is that these types of laws can often create more of a tension between motorists and bicyclists. Frequent violation of traffic laws by bicyclists is a frustration for drivers, and imposing an extra restriction on drivers could further increase this animosity toward bicyclists. The advocate suggested that a more successful approach would be to better train bicyclists on sharing the road. He noted that bicyclists often invite drivers to pass them closely by riding all the way to the right even in scenarios where it would be safest to take up the entire lane. He also speculated that a more effective use of educational campaigns would be the general promotion of a “Share the Road” message.

Furthermore, an advocate noted that there is an inherent disconnect between the increasing strictness of road laws and the increasing sizes of roads to make them more forgiving. He suggested that the whole idea of the 3 Foot Law runs counter to concepts such as road narrowing and shared space, because it encourages roads to be wider to allow motorists to easily give three feet to bicyclists. In fact, some transit operators have opposed the 3 Foot Law in the past because they do not feel they can give three feet on narrow roads. The advocate pointed out that these laws may encourage engineers to widen roads more in response, encouraging higher speeds and an overall decrease in quality for bicyclists and pedestrians. Even worse, there is a danger that the law could prompt some towns to ban bicycles from roads entirely, which is what happened in Black Hawk, Colorado after the state 3 Foot Law was passed.

Finally, from a safety perspective, some advocates believe a blanket three-foot space requirement is not ideal. On low speed roads, three feet may be acceptable, but in high speed automotive traffic, they find three feet to be a dangerous clearance. Furthermore, while being struck from behind by an automobile is one of the leading accident causes in rural areas, it is not viewed by many as a great concern in urban environments. It is possible that attention is being focused in the wrong area—a fear of not being given enough passing clearance may not be what prevents people from getting on bikes. Additionally, some feel there is already plenty of legislation to protect bicyclists, but similar to the 3 Foot Law, these laws are rarely applied. These concerns should be considered when pursuing a 3 Foot Law and writing the policy language to make it as effective as possible.

## **CHAPTER 6: EMERGING TRENDS AND STRATEGIES**

The shared experiences of the states, highlighted in this study, reveal a series of emerging trends. These trends identify the common players, sources of support, and sources of opposition found during a 3 Foot Law’s legislative process. The states’ shared experiences also highlight many of the potential struggles and victories bicycle advocates can expect after the establishment of a 3 Foot Law. This chapter details the methodologies used to create a large and unified support base, overcome sources of opposition, and successfully implement strategies to both establish a 3 Foot Law and make it an effective tool to encourage bicycle safety after its passage.

### **Key Players**

The most important element to emerge from the case studies was the importance of garnering a wide breadth of support from various stakeholders throughout the state. The key players identified throughout the study include: bicycle and pedestrian advocacy groups, state Departments of Transportation, local and state police departments, and state legislators. In addition, some states were successful in reaching out to other partners such as public health and environmental advocacy groups.

In a large majority of the states, the campaign to pass the 3 Foot Law was spearheaded by bicycle and pedestrian coalitions. Advocacy groups, for the most part, have an organized leadership structure and a membership base that can be mobilized rather easily through e-mail campaigns and newsletters. Leaders and members of bicycle and pedestrian advocacy groups in various states stressed the importance of coordination between different advocacy groups throughout the state in order to present a unified stance to state policymakers. For example, the success of the 3 Feet legislation in Illinois can largely be attributed to the coordinated efforts of two prominent bicycle and pedestrian advocacy groups, the League of Illinois Bicyclists, and the Active Transportation Alliance.

Clearly, to pass the 3 Foot Law, support from state legislators is requisite. Enlisting support from a sympathetic legislator who will actively champion the bill is essential. In some of the case studies, it was all that was required. Arkansas’s 3 Foot Law was largely established by the lone effort of a state legislator who witnessed two separate accidents involving cyclists and was motivated to take action. In other cases the opposition of one legislator can significantly hinder efforts to establish a 3 Foot Law. Maryland almost had its efforts derailed by the head of an important house sub-committee that the legislation had to initially pass through. Many states found it helpful to seek bipartisan support. This proved useful in a historically conservative state such as Utah. In addition, gaining the support of the governor was an effective way in some states to clear the last hurdle of the legislative process. In Oklahoma and New Hampshire, both Governors were strong advocates of the Three Foot Law. In two states, however, the lack of governor support proved to be a critical weakness. California and Texas had 3 Foot Law legislation successfully pass through the house and senate only to be vetoed by the governor.

The Department of Transportation’s role has varied in the respective states. In New Hampshire, the Bike-Walk Alliance enlisted the support of the New Hampshire DOT early in the process. The Bike-Walk Alliance saw this as a vital asset in successfully passing the bill. Similarly, the Colorado DOT assisted

Bicycle Colorado in bringing the 3 Foot Law legislation forward; however, the Colorado DOT later officially adopted a neutral stance on the bill. In addition, state DOTs have assisted advocacy groups after the 3 Foot Law was passed. This is demonstrated by the coordination between the Mississippi DOT and cyclists on the placement of signage and by the Connecticut DOT's development of educational materials.

Local and state police departments are an additional group that has played a critical role in passing the 3 Foot Law in some states. However, the stance and involvement of police has varied widely throughout the case studies, ranging from vocal champions to active opponents. In Utah, local police departments were an early advocate in the 3 Foot Law campaign. In Colorado, the state police assisted in bringing the 3 Foot Law legislation forward before taking a neutral official position on the law. In some states, such as Delaware, the police were vocal opponents and a substantial barrier to implementation. Police departments that opposed the 3 Foot Law often viewed the law as unenforceable and a burden to implement.

Some states have garnered support and encountered resistance from various groups and sources outside of the ones previously identified. For example, in Colorado, the Colorado Environmental Coalition and Live Well Colorado (a non-profit public health organization) endorsed the 3 Foot Law. In Illinois, the Secretary of State was an advocate for the 3 Foot Law. In Georgia, Parent Teacher Associations (PTAs) supported the law, in hope of increasing bicycle safety in school zones. On the other hand, groups such as the trucking and insurance industries voiced opposition to the 3 Foot Law in other states. Overall, the case studies demonstrated it was useful to broaden the support base and to create alliances with a variety of organizations, even if they are not typically associated with bicycle safety.

It is unfortunate that in many of the case studies the primary motivation behind campaign for a 3 Foot Law was the tragic death of a member of the cycling community. Many of the case studies exemplify individuals turning tragedy into a means to positively influence the future of bicycling safety in their communities. Family and friends of deceased cyclists have often become some of the most influential proponents of the 3 Foot Law. Families have played a critical role whether it is through legislative testimony, direct appeals to legislators, creating awareness of bicycle safety laws or partially funding efforts to pass the law.

## **Outreach Strategies**

The success of passing a 3 Foot Law is dependent on raising awareness and gathering support from key state entities and the general public. The case studies reveal a wide array of outreach strategies employed by the respective advocacy groups to achieve this goal.

In a large portion of the case studies, the impetus behind attempting to establish a 3 Foot Law has been the unfortunate death of a cyclist. Many states have used an otherwise tragic situation as an effective tool to affect change. Testimony from family and friends who have lost loved ones has proven to be an extremely effective strategy in both raising awareness and generating support. These efforts helped put a human face on the effort to improve bicycle safety legislation. In addition, these tragic circumstances

helped generate media attention and increase awareness in the general public. These noble efforts of grieving loved ones throughout these case studies are truly commendable.

Additionally, many states have undertaken e-mail and letter writing campaigns urging their local representatives to support the 3 Foot Law. Advocates in Colorado, Nevada, and Utah cite letter and e-mail campaigns as an important strategy in passing the 3 Foot Law in their states. Additionally, the use of social networking and media, such as blogs and websites has become an increasingly popular tool to educate bicyclists and the general public regarding the 3 Foot Law and bicycle safety in general.

Organized group rides were also a strategy employed in many of the case studies. These rides offer both an opportunity for media coverage and a chance to demonstrate the political capital of the bicycling community through strength in numbers. These group rides can be coordinated with rallies in support of the 3 Foot Law. Cyclists in Utah rode to the state capitol and held a rally following the death of a member of the cycling community to raise awareness and generate support. Similar rallies have been held in Connecticut and other states.

Lobbyists have also been employed as a means of gathering support for the 3 Foot Law. Lobbyist offer both political connections and the expertise to steer advocates through the pitfalls of the legislative process. In Georgia and Kansas, lobbying efforts were funded by community donations and contributions from the family of a deceased bicyclist. Advocates in Georgia employed a unique strategy to assure that the lobbyist they hired was more than a hired political tool. They had their lobbyist take a bicycle safety course and accompany them on group rides to experience firsthand the need for a prescribed safe passing distance.

Other strategies that have helped states pass the 3 Foot Law include highlighting the economic benefits of increased bicycling, specifically in bicycle tourism. The Bicycle Coalition of Maine convinced legislators that this was a valuable tool to portray Maine as a destination for bicycle tourists in addition to the general benefit of increased bicycle safety.

Finally, Delaware possessed the extremely valuable tool of a dedicated bicycle council within their state government. The council's function is to "consider, review, and work on matters pertaining to bicycling, bicycle safety, and bicycle safety education; and to make recommendations to various state agencies."<sup>103</sup> The attorney for the Delaware Bicycle Council drafted the language of the bill for the 3 Foot Law and the Council found a sponsoring senator.

In sum, states have used a variety of strategies to pass the 3 Foot Law and increase awareness of bicycle safety issue across the nation. Most of the strategies employed were cost effective means to achieve both goals. The underlying theme of these strategies is that they were devised and employed early in the process to ensure their peak effectiveness.

## **Education and Awareness**

Establishing a 3 Foot Law can be a significant step towards increasing bicycle safety in your state. However, the law can only have positive impact if people are aware of its existence. The case studies

reveal some common approaches to increase the awareness of 3 Foot Law with both the general public and police departments. These experiences demonstrate some of the successes and common obstacles advocates faced in their attempts to increase the awareness of the existence of the law and the need for improved bicycle safety more generally.

Visible displays such as bumper stickers, posters, and cycling jerseys have been one of the most widely used tools to educate the public of the 3 Foot Law. Bumper stickers are often handed out at bike events or can be ordered through various websites. Sometimes, cyclists place the decals in places where motorists are frequently located such as gas pumps. Advocates in Arizona have taken a bold approach and widely distributed stickers urging motorists to give five feet of passing space even though the law only calls for three. In Florida, some county vehicles display bumper stickers reminding motorists of the 3 Foot Law. Tennessee has employed posters in a similar fashion, distributing them to various Department of Motor Vehicles offices. Cyclists in many states are wearing specially designed jerseys bearing the slogan “3 Feet Please” to spread the message as well.

Billboards and the use of public service announcements (PSAs) are tools that advocates have utilized to reach wider audiences in their states. Advocates in Georgia have used digital billboards on state highways to remind motorists of the required three foot passing distance. This is an effective strategy utilizing existing infrastructure that is currently used to notify the public of traffic delays and amber alerts. Crucial to Georgia’s usage of these billboards was funding provided by the state to pay for the valuable time. Other states have employed radio and video PSAs as an awareness strategy. Maine has created a series of PSAs related to their “Share the Road Campaign” that remind motorists of the 3 Foot Law. These PSAs include appearances by famous members of Maine’s cycling community such as former National Hockey League player Eric Weinrich.

Advocates in some states have benefited from the participation of state agencies in efforts to educate and increase awareness of the 3 Foot Law. Content related to the 3 Foot Law and bicycle safety have been added to the driver education curriculum in many states. Arizona has incorporated content related to bicycle safety into its driver education curriculum and have taken the steps to include questions related to this content on the driver license exams. Certain states have developed signage to be placed along roadways to alert motorists to the 3 Foot Law’s existence. The legislation including the 3 Foot Law in Louisiana contained provisions that directed the Department of Transportation to place signage alongside of roads frequently used by cyclists.

Police also need to be educated on what the provisions of their respective state’s 3 Foot Law entails in order to legitimize the prospect of enforcement. The case studies demonstrate mixed results regarding outreach to law enforcement. Most commonly, advocates develop training manuals or handouts to be distributed to the police departments. These materials are intended to be utilized at roll call, the daily briefing held prior to shift changes. Colorado has developed police training videos that highlight the provisions of the bill. Bicycle Colorado has also been offered the opportunity to teach a course at the state police academy. Unfortunately, they lack funding necessary to develop such a program. Illinois was fortunate enough to receive dedicated funding to develop law enforcement training sessions. Unfortunately these sessions were lightly attended.



Funding is crucial for any of these education and awareness measures to succeed. The case studies have demonstrated that often the lack of funding has hindered educational opportunities. A few states have been fortunate enough to receive dedicated funding such as Illinois, highlighted above. Connecticut was also granted a dedicated funding source through Complete Streets legislation in 2009 that set aside 1% of transportation funding for bicycle and pedestrian projects. This funding could be directed towards education and outreach.

## **Enforcement and Overall Success**

The case studies demonstrate that police have sparingly enforced the 3 Foot Law. There have also been very few quantitative mechanisms developed to ascertain whether the 3 Foot Law has been a success. Nonetheless, many advocates have declared that the 3 Foot Law has been a success in improving bicycle safety in their states.

Police enforcement has been limited in all states that have passed a 3 Foot Law. Very few states possess firm numbers on how many citations have been issued. Most evidence of enforcement has been anecdotal. Florida advocates estimate that about 300 citations have been issued since the 3 Foot Law was put into place in 2006, making that state the highest in terms of actual enforcement. Minnesota, one of the earliest states to pass a 3 Foot Law, estimates that three citations per year are issued on average. Advocates are commonly left to point to anecdotal evidence of both enforcement and non-enforcement. Some have witnessed citations being issued or have heard reports of citations being issued, while others are aware of instances where a cyclist was severely injured or killed by motorists but no citation issued.

Police departments often claim that the law is almost unenforceable under circumstances short of a cyclist being struck. However, the sting operation undertaken in Florida demonstrated a possible strategy to improve enforcement. Motorists were pulled over and given education materials if they failed to pass an undercover officer at a distance greater than three feet.

Funding is the constraint most often cited for the lack of formal success measures. For instance, Colorado claims that the citation data exists but they lack the funding necessary to order the ticketing report from the state. Louisiana is the only case study where advocates have the resources to undertake a substantial study that is both quantitative and qualitative in nature.

However advocates claim that the lack of enforcement and formal success measures should not be taken as evidence the 3 Foot Law's ineffectiveness. They point out that the success of the law is that it provides an educational opportunity. The 3 Foot Law sets a legally backed standard to demonstrate to the general public the importance of respecting a cyclist's place on the road. In addition, the legal protection offered overcomes perceived dangers in the minds of potential cyclists and encourages them to embrace the bicycle as a mode of daily transportation.

Some advocates claim the 3 Foot Law has also established a foundation to build upon and showcases an attempt to achieve greater protections for cyclist and pedestrians. In addition, the 3 Foot Law's legislative process provides a rallying point for the cycling community. Advocates in Maine cite the 3 Foot Law as a

major point of unification for the cycling community that has made it easier to organize future efforts at passing additional bicycle and pedestrian safety measures.

## **CHAPTER 7: RECOMMENDATIONS**

From this study there are a series of recommendations for both advocates who support the 3 Foot Law and wish to establish one in their state and for advocates who do not support the 3 Foot Law and seek other measures to increase bicycle safety in their state.

### **For 3 Foot Law Supporters**

It has become clear throughout the length of this study that the 3 Foot Law carries the expectation of minimal enforcement. In fact, the law appears to be one that is difficult to enforce at all. Yet, the 3 Foot Law remains a popular strategy for bicycle advocates to improve the safety of their respective state's cyclists. Is the time and effort required of bicycle advocates to pass such legislation, therefore, a waste of time? The answer is no—as long as those involved with the legislative process see the most vital attribute of the 3 Foot Law is its potential as an educational tool. The power behind the 3 Foot Law is its ability to increase the overall awareness of bicycling safety and the rights and responsibilities of all road users, including cyclists.

This is not to say that the law should be written in a way that does not grant significant safety provisions to cyclists that can be enforced. We have seen a variation in the relative strength of each 3 Foot Law. Some states have nearly eviscerated the strength their 3 Foot Law through weak language. Other states have crafted law and policy that is comprehensive, explicit in its terms, and sufficiently substantial to provide cyclists with valuable safety measures. The latter is the task charged to advocates undertaking efforts to pass similar legislation in other states.

Language similar that found in the New Hampshire law provides an excellent example of the sort of clear and strong language advocates should strive for in their attempts to establish a 3 Foot Law. The three foot distance seems to be derived from the amount of space the average human requires to safely signal while operating a bicycle. The number is not a derived from statistics on bicycle safety. The more space a cyclist can be granted, the safer they will be. Provisions providing greater distance when vehicles are travelling at higher speeds are preferable. The downside is that sometimes this type of language can lend itself to opposition. Advocates should adjust language accordingly if they feel this is a barrier to passing an important piece of legislation. However, the language should not be adjusted to the point where the law is drained such that it cannot provide the safety measures for cyclists that was originally intended. The point of the law is to have a safe distance defined so it can be enforced under all circumstances.

We have seen that misperception is the strongest barrier to establishing a 3 Foot Law. These misperceptions can be limited through carefully chosen language and a thorough set of provisions. Any such policy should address concerns such as how to pass bicycles in no passing zones by including language specifying yellow line exemptions in these situations. Language should clearly delineate what the cyclist is allowed to do on the roadway in order to limit instances where the bicyclist can be blamed for an accident. For example, language should be sought that allows a cyclist to ride outside of the shoulder or bike lane if they determine it unsafe. Motorists should be aware of where cyclist are allowed to be on the road and their rights when facing certain roadway conditions in order to make their behavior

more predictable to the motorist and to make the responsibilities of the motorist in these different situations clear.

Interviews with the various state advocates that have successfully passed the 3 Foot Law have demonstrated that it often only takes one individual to derail months of hard work during the legislative process. It is extremely important for advocates to understand their respective legislative processes as well as the key players involved from the outset. Advocates should target members of their legislature's transportation committees early in the process. It is also vital to identify likely supporters and opponents. Addressing the concerns of concerned stakeholders from the outset through education can be effective in removing potential barriers. A little outreach and education can go a long way toward smoothing out the process and getting all stakeholders in agreement before hearings begin.

Advocates should also try to address funding considerations in the language of the policy. The case studies have demonstrated that after the 3 Foot Law has been passed, follow up languishes; the law buried in traffic code rather than being drilled into the consciousness of motorists. Only extensive education and awareness campaigns can achieve this kind of public awareness. These types of campaigns require funding. Advocates should attempt to secure funding and participation of state agencies to facilitate education and awareness programs. This can be facilitated through the language of the legislation. Louisiana provides an example with its policy requiring state agencies to undertake some of the efforts in both educational programs and in developing signage to be displayed on the state's roadways.

Finally, the 3 Foot Law has provided strong foundation to build upon. Many states have used it as the first step in developing additional legislation to provide increased safety to the pedestrians and cyclists in their respective states. The 3 Foot Law is simply a first measure, in a series of measures, to educate and increase awareness of both pedestrian and cyclist safety and the rights and responsibilities of all road users. The 3 Foot Law has been a rallying point in many states to unite cyclists. It has given advocates valuable experience in handling the legislative process and in many cases led advocates to push for more substantial bicycle and pedestrian safety legislation. The 3 Foot Law is not the ends, but rather part of the means, toward establishing a bicycle and pedestrian-friendly state.

### **For Those Opposed to the 3 Foot Law**

These case studies have demonstrated that the 3 Foot Law provides little in terms of actual safety for bicyclist. The law is hardly enforced and police are reluctant to do so in even some extreme cases. This is because the law is a somewhat hollow statement rather than a solid enforceable protection measure. Furthermore, the 3 Foot Law can be counterproductive in terms of achieving the actual goal for which it was intended—the goal of increased protection for the bicyclist.

First, three feet is not a magic number that determines if a cyclist is safe or not. In many cases three feet is much too close a passing distance to provide real protection to the cyclist. The 3 Foot Law places a number inside the motorist's head that may actually be unsafe. Oregon, often the nation's leader in progressive biking policy, provides a stronger standard for states to follow. There the distance for safe

passage is defined by the motorist's determination of how much space they must give a cyclist in order to pass them clearly and safely in the circumstance where a cyclist fell into the roadway. This compels the motorist to conceptualize that situation and actively decide on how much space is required. In almost all cases this would be a distance greater than three feet or perhaps even greater than five feet. This is the type of real life scenario all advocates should be thinking about when drafting legislation, rather than a number that has arbitrarily been determined as a "safe" passing distance.

Second, to be truly effective this type of safe passing requirement should be supported by a Vulnerable User Law. The Vulnerable User Law can be explained quite simply in the legislation—the person operating the heaviest vehicle is responsible to operate their vehicle in such a manner that they are ensuring the safety of the more vulnerable users with whom they are sharing the road. Simply, if a motorist hits a cyclist, the motorist is at fault; if a cyclist hits a pedestrian, the cyclist is at fault. Most bicycle-friendly countries in Europe have found this sort of policy to be effective. Vulnerable User policy is applicable to every kind of roadway rather than lend itself to be overruled under certain road conditions.

Finally, policies should move away from delineating specific sections of the road where bicycles and cars belong. Operators of both vehicles need to become more comfortable sharing this space together. The 3 Foot Law encourages the cyclist to ride to the shoulder under most circumstances. It reinforces in the motorist that this is where the bike belongs. In many situations this is simply not true—the cyclist is safer sharing the whole lane with the car. Narrowing roadways and reducing speeds is the most effective way to create conditions where motorists and cyclists learn to interact in a safe manner. The 3 Foot Law perpetuates the outdated American tradition of separating users and narrowly defining where different types of vehicles belong. Cyclists in the U.S. will not be truly safe and respected on the nation's roadways until motorists and cyclists learn to interact with each other in a safe and mutually respectful way. This can only be done through policy that encourages their interaction, not separation.

## **CONCLUSION**

This study has revealed a conflicting result. The 3 Foot Law is both touted as a vital tool to increase bicycle safety that should be pursued, while at the same time, seen as a measure with little to no hope of enforcement. The mixed results have spurred a debate within the cycling community on how to best provide the safety and legitimacy necessary to improve cycling as a mode of transportation in New Jersey.

Advocates in states that have passed a three foot law have largely considered the law to be a success for the cycling community. They claim the strength of the 3 Foot Law lies in its application as an educational tool that can be utilized to encourage shared road usage between cyclists and motorists. Advocates argue the law provides a tangible cushion that cyclists feel they can rely on and acts as clear guidance to motorists on how they should pass a cyclist safely. The intended result is more cyclists on the roadways and an increased number of positive interactions between them and educated motorists.

For the most part, advocates in states that have passed the 3 Foot Law believe that safer interactions and a growing sense of legitimacy for the cycling community are occurring. They point to anecdotal evidence such as a general sense that motorists are giving more space to cyclist as they pass to support their argument. However, advocates in most cases were unable to point to any specific data or measures to support their claim of success, and few states anticipate developing formal success measures. This is largely due to the lack of funding necessary to undertake such a study.

Further study should be directed at the effects of policies such as Vulnerable User Laws. It would also be useful to study funding mechanisms that could be employed to ensure a bicycle safety policies' success. All too often these laws were successfully enacted as codified law yet go unenforced and with little effect due to a lack of funding dedicated toward educational campaigns, or to provide training to police departments on their proper enforcement.

## **GLOSSARY**

**Aggressive Driving Law** – A law that punishes an automobile driver when they deliberately drive in a manner that is aggressive and unsafe. Generally considered more severe than Careless Driving, it is often penalized by a criminal misdemeanor.

**Careless Driving Law** – A law that punishes an automobile driver when they drive in a manner that *unintentionally* poses a risk of harm to other individuals or property. Careless Driving is generally considered a minor violation with less severe consequences than Aggressive Driving or Reckless Driving.

**Complete Streets Law** – A policy encouraging or requiring that roadway design accommodate all users, including pedestrians, bicyclists and public transportation.

**Dead Red Law** – A law that allows bicycles, motorcycles and other vehicles that are too light to trigger pressure sensitive signal sequencing sensors at traffic lights to legally pass through a red light after waiting a specified amount of time.

**Due Care Law** – A law that penalizes automobile drivers who cause an accident due to a lack of attentiveness or judgment. The law effectively makes it more difficult for a driver to claim they simply did not see a bicyclist or other vulnerable user that they hit.

**Reckless Driving Law** – *See Aggressive Driving Law*

**Section 402 Highway Safety Funds** – A Federal Highway Administration funding program used to support programs that reduce deaths and injuries on highways

**Three-Foot Law** – A law requiring motorists to allow a minimum of three feet of clearance between their vehicle and a bicyclist when passing them.

**Uniform Vehicle Code** – A document prepared by the National Committee on Uniform Traffic Laws and Ordinances that is used as the basis for roadway related laws in many states.

**Vulnerable User Law** – A law that raises penalties for automobile drivers who cause an accident with roadway users who are especially vulnerable to being injured or killed by vehicles, such as pedestrians and cyclists.

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