

Good afternoon Senator Diamond, Representative Martin and Members of the Transportation Committee:

My name is Jaja Martin. I live in Bremen, Maine, and I work in Lincoln County.

I am a victim of traffic trauma here to testify in favor of LD 821, An Act to Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users.

I will get to my story in a moment, but I think it is important for you to know that I am one of the growing number of taxpayers here in the State of Maine who owns and drives a car, but also uses a bicycle most days of the year to commute to and from work. My husband, three children, and I, as well as many members of our community, also enjoy using Maine roads to bike, jog and walk to stay physically and mentally fit and for fun.

I am also a resident of this State who believes that as Mainers grapple with climate change, congestion and other environmental problems, we will start seeing more people like me using bikes and e-bikes on our roadways to get to and from work and to accomplish their activities of daily living. In addition, as Maine develops and improves its public transportation systems in rural and urban areas, I think we will start seeing a lot more people walking and biking on Maine roadways to and from public transportation hubs.

The legislation before you is something I strongly support because it is one of a number of initiatives intended to ensure that special protections are in place when people walking, riding bikes and working in and around our roadways are stuck by people driving motor vehicles. It does this by:

1. encouraging law enforcement officers in every county of Maine to properly respond to, investigate, and record the details of collisions involving vulnerable road users,
2. ensuring that district attorneys throughout the state are aware of, and have an opportunity to consider prosecuting, serious crashes involving vulnerable road users in their regions, and
3. promoting better data collection of crashes involving vulnerable users and how they are handled in the State of Maine.

Let me explain further why this legislation is needed by sharing my story.

Last April, while I was riding my bicycle in Round Pond, Maine for exercise, I was struck from behind and sideswiped by an operator of a large pickup truck who attempted an unsafe pass of me. After the collision, the driver who hit me admitted to me and others that the collision took place while he was reaching for something within his vehicle. The morning I was hit was a clear morning with good visibility and no traffic in the vicinity other than me and the truck driver. The driver also admitted to seeing me several times before the collision.

After the crash, I lay in the roadway physically injured, cold, disoriented, and in shock from having just been hit. Given what had just happened to me, and given Maine's safe passing, driving to endanger, distracted driving and other laws, I assumed that while I was treated and taken by ambulance to the hospital, public law enforcement and others responding to the crash would protect me and other members of the public by investigating exactly how and why I was hit, securing evidence, reporting the case to the District Attorney's office, and following up to ensure that other members of the public were not hurt by this same driver in the future. I assumed there would be consequences for the driver and that law enforcement officers and others would be taking steps to hold the driver accountable. Unfortunately, that was not the case, at least not initially.

The week or so after I was released from the hospital and back home, I read about my crash in the local newspaper and learned that the driver was not being ticketed or charged by law enforcement. I am including a copy of what I read in the paper with my testimony. I tried to find out why nothing was being done from a public safety standpoint to hold the driver who hit me accountable, but I found the legal system to be confusing and difficult to navigate, particularly at a time when I was still physically and emotionally injured from having been hit with a truck and was trying to get the medical care and financial assistance I needed from healthcare providers, insurance companies, and others.

It was during that time that I learned that it's up to the individual officer at the scene to decide the scope and substance of an investigation involving

injury to a vulnerable road user like me. I learned that it is usually a law enforcement officer who gets to decide whether to ticket, charge, or even submit a report of the collision to the DA. In my case, I understand that the law enforcement officer decided that he would reward the driver for not having "hit and run" by not ticketing him or charging him. This seemed, and still seems, very subjective. Here I was suffering from serious bodily injury and the driver who caused my injuries was being rewarded for not having driven away.

Unfortunately, having just been through this traffic trauma, I did not have the physical or mental strength or legal know-how to advocate for myself. This is so despite the fact that I am a well-educated and very self-sufficient woman who has independently and successfully navigated many difficult situations on her own.

Fortunately, due to connections in my community and resources available to me, I was able to secure legal counsel who helped me to get the case in front of a District Attorney for review. Once at the DA's office, an attorney with legal training and an understanding of the applicable laws made an appropriate decision to charge the driver and prosecute the case. However, it shouldn't have required these extra steps for a DA to review my case and for me to be treated fairly under the law.

While I felt the officer who responded to my crash was kind and considerate, I often think about whether I would have been treated differently had a different law enforcement officer responded, had I been living in a different county, had I been a child, had I been a new Mainer, or had I been the daughter, wife or mother of someone the law enforcement officer knew. Would there have been charges? Would there have been a crash report? Would someone have asked what exactly the driver was reaching for when he drove into me? Would a search warrant have been obtained for the driver's phone? Would the officer have consulted with the DA on call or asked for a review of the case? I also wonder how the case would have been handled if I did not speak English as a first language, had I been unconscious or unable to remember what had happened to me. Frankly, I should not have to ask these questions, nor should anyone else have to ask these questions, particularly when already suffering from traffic trauma.

While I recognize the importance of law enforcement discretion, crashes involving walkers, bike riders, road workers, and other vulnerable road users warrant an extra layer of protection and review to ensure that the cases are handled properly and uniformly throughout the state. This extra level of review is appropriate because the vulnerable road users involved in these crashes, like me, are often dead or not in a position to advocate for themselves due to brain injuries, physical injuries, emotional trauma or other trauma caused by the crash. It is also appropriate because law enforcement agencies do not regularly handle these types of cases and may not all have the same training and know-how to handle them fairly and uniformly. This is particularly so when some officers and their departments are already often strapped for time and resources and may not have the time or ability to perform an appropriate review of the case--or may get pulled away on another matter.

If bicycle, pedestrian and other vulnerable road user crashes are regularly reported to the District Attorneys' offices, it will take the randomness out of the victim experiences and public safety responses to these crashes. It is also anticipated that District Attorneys and law enforcement officers will develop more uniform practices for investigating, documenting, reviewing and prosecuting these cases.

In summary, this bill promotes better investigation and handling of vulnerable road user cases, offers increased protections for all road users, improves public safety by alerting authorities at different government institutions to high crash areas and trends in hazardous operational choices, and improves data collection regarding vulnerable road user crashes. It also promotes uniformity in the handling and review of vulnerable road user crashes and ensures that victims of traffic trauma like me can spend time healing and recovering from trauma instead of on asking for proper review of our cases.

I urge you to vote in favor of this bill.

Thank you for your time.