

Good Afternoon Members of the Transportation Committee.

My name is Wendall Milliken, and I am a cyclist concerned with the lack of legal protection for cyclists, pedestrians, and visitors to the Great State of Maine. I live in Falmouth, ME and have been bicycling most of my adult life. I have been hit by people driving cars on two occasions, both were drivers making right hand turns without enough room. The first accident was in Bel Air, Maryland where I worked and commuted back and forth from Portland, ME on a weekly basis; the second was on Washington Avenue here in Portland, ME. The first occasion I had two broken ribs, and the second I had a broken spirit and was too afraid to ride my bike in traffic in my home state of Maine for over a year.

My purpose here today is not to discuss the details of getting hit by a car, but to discuss the aftermath of the incidents. In Maryland, the police came to the scene and I was taken away in an ambulance to John's Hopkins University Hospital in Baltimore, where my clothes were cut off me, I was stitched up, and sent on my way basically naked. I had to beg to get a Jonny to cover myself and then call my boss a 1:00AM to get a ride back to my hotel. He drove down from Aberdeen, MD and dropped me off at my hotel. The next day the questions started: Where is my wallet? Where is my cell phone? Where is my bike? Where is my helmet? Who pays for the Ambulance? Who hit me? Where are my clothes? Where is my rental car? What the hell happened?

Angelo had my phone and wallet, but no information about the accident. The bike was at the fire station in Bel Air where the Ambulance was dispatched from. The police report was nowhere to be found. I contacted the Bel Air Police, they referred me to the State Police, they referred me to the Franklin County Sheriff's Office in the same building as the Bel Air Police. No report, and no one willing to admit that they had been the officer at the crime scene. Maryland has vehicle laws to protect cyclists. No tickets were issued for "Failing to observe the right-of-way" or for a moving traffic accident, or for anything. I was hit while riding in a painted bike lane in a wide-open area with visibility for ½ mile in any direction. My insurance company paid the medical bills, but not the replacement of the bike, clothing, or lost work time. It took 6 months for my ribs to heal, and I stopped riding a bike for exercise in Maryland.

The questions still linger today as to why there was no penalties for the driver who tried to get home 18 seconds faster by accelerating past me to then slam on the brakes and turn right, right in front of me. I was never able to contact the driver because there was no written incident report. I could not seek civil penalties, or even get an apology. I could have died.

The second time I was hit was by a woman sitting at a red light with about twenty cars ahead of her when she pulled up beside me. When it was her time to go, without looking, she immediately turned right to go into a driveway right through me. She did not have a blinker on, I had no warning. I ended up on the curb again, and my bike was under her front bumper. I called the Portland police that never came, and then I called my wife to pick me up. The bike was ruined, I had scrapes and scratches. Responses to bike/ped crashes suffer from inadequate reporting and investigation in Maine as in other states. Drivers all too often experience no repercussions for their misconduct. I don't want the same lack of accountability by car drivers here in Maine to continue.

LD 821 will help with the aftermath of car accidents like mine. There has to be some remedy for pedestrians and bicyclists who are hit by vehicles. There has to be documentation of an accident that involves a vulnerable person. Every car crash requires the police to document the crash scene, so why are pedestrians and bicyclist treated differently? Nationally two percent 2% of all vehicle accidents involve "Vulnerable Users" but they account for 20% of fatalities. Today, there are thousands of accidents in which vulnerable individuals are involved in similar accidents. Without laws and law enforcement to protect us, we need someone to defend us. Please support passage of LD821.

Sincerely
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