

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 20, 2021
To: Transportation Committee
From: Karen S. Nadeau, Legislative Analyst

LD 1230 AA To Enhance Traffic Safety w/Regard to the Operation of Bicycles on Public Ways

- Requires bicyclists operating on a roadway to ride in single file while being overtaken by motor vehicles and makes the failure to do so a traffic infraction.

Proponents: *None at public hearing other than sponsor; written only: Residents of Woolwich, Brewer*

- Sponsor submitted bill on behalf of constituents who operate heavy equipment on roadways.
- When they come across bicyclists riding two abreast coming around a curve, it causes large commercial vehicles drivers anxiety.
- Commercial vehicles are not as responsive as cars; we don't expect bicyclists to move into the shoulder because most of the shoulders on our roads are unpaved and downright dangerous.
- The bigger problem, frankly, is the state of our road shoulders. Paved shoulders are critical to bicycle safety, they're also safer for motorists; safety is at the heart of this bill.

Opponents: *Bicycle Coalition of Maine; DownEast Acadia Regional Tourism; written only: Maine Better Transportation Association; People for Bikes; South Portland Maine Transportation Planner; Residents of Portland, Topsham, Falmouth and Hollis Center*

- LD 1230 is unnecessary and redundant; Maine law already addresses group bicycle riding.
- LD will make roadways less safe by making groups of riders much longer, forcing overtaking cars to take more time in the oncoming lane while passing.
- LD will make roadways less safe by encouraging cars to pass bicycles in unsafe places; will result in increased harassment of bicycle riders and raise the temperature of roadway attitudes.

NFNA: *Maine State Police*

- Under 29-A MRS §2063, sub-§2, the bicyclist has the discretion to determine when it is unsafe to ride to the right and allows them to use what portion of the way that is necessary to mitigate the danger created by riding to the right. This bill may create some confusion and contradict itself under certain circumstances.

29-A MRS §2063. Bicycles, roller skis, toy vehicles and scooters

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle, a motorized scooter and an electric bicycle.

2. Riding to the right. A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

- A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;
- B. When preparing for or making a left turn at an intersection or into a private road or driveway;
- C. When proceeding straight in a place where right turns are permitted; and
- D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle or roller skier on a roadway.

2-A. Bicycle or roller skier traveling on shoulder. Notwithstanding subsection 2, a person operating a bicycle or roller skis may travel on paved shoulders.

FISCAL IMPACT: *Not yet received.*