

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 15, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on February 15, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with the following Senators present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Graham; and, the following Senators late: Senator Tveit, Senator Stimatz. Those Senators absent: Senator D. Manning and Senator Daniels.

SENATE BILL NO. 402: Hearing commenced on Senate Bill No. 402. Senator Mohar, sponsor of Senate Bill No. 402 told the committee this bill amends Montana's vehicle laws to bring the statutes affecting bicycles into conformity with the Uniform Vehicle Code, and provides for an immediate effective date. He read sections of the bill to the committee and introduced Ronald Pogue from Billings to the committee.

Ronald Pogue, 1025 North 22nd Street, Billings, MT, representing the League of American Wheelmen, The Billings Bicycle Club, and the Alternative Energy Resources Organization, spoke in support of Senate Bill No. 402. He presented the committee with written testimony, which he read to the committee. See Exhibit 1.

Mark Cadwallader, Missoula, MT, representing Sam Warren, the Deputy City Attorney of Missoula told the committee Sam Warren was unable to be present today, and asked me to present his written statement. He read from prepared statement, see Exhibit 2.

Sue Lindgren, representing herself, spoke in support of the bill. In 1981 and 1982, I conducted bicycle workshops throughout the state. I support this bill because it reflects the concerns of Montanan's, both rural and urban interests. It is a good safety bill.

Curt Hahn, Specialist in Traffic Education Programs for the Office of Public Instruction, spoke in support of the bill. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a Do Pass recommendation.

Curt Hahn, also presented the committee a letter from Wayne Elser, President of the Montana Traffic Education Association. See Exhibit 3.

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Albert Goke, representing the Highway Traffic Safety Division, Department of Justice spoke in support of Senate Bill No. 402. The proposed changes are supported by the wording from the Uniform Vehicle Code and would conform to national trends in dealing with bicycle law in the United States.

Garfield Munson, representing the Highway Patrol, told the committee the Highway Patrol is in complete support of Senate Bill No. 402 and urges its passage.

Charlotte Henson, representing the Helena Bicycle Club, spoke in support of Senate Bill No. 402. I use the bicycle daily, it is a part of our daily life. I think this is a good safety bill. Highway behavior should be taught to all bicyclists.

John Williams, representing the City of Missoula, Engineering Department, spoke in support of Senate Bill No. 402. As a professional involved in teaching youngsters how to ride safely, I feel this bill is necessary to improving safety of Montana bicyclists. It will clarify the legal status of bicyclists; it will clearly state the situations under which a bicyclist must keep to the right; it will make teaching of turn signals easier. He presented written testimony to the committee, and read from it. See Exhibit 4.

June J. Siple, representing the Bicyclists Guide to Montana, spoke in support of Senate Bill No. 402. I feel that the Montana Code in its present form is confusing to the public and enforcement officials alike; adoption of the appropriate uniform vehicle code sections into the Montana Code would make the law more clear for bicycle riders and motorists alike. Ms. Siple presented three letters to the committee: Exhibit 5, letter from Debra Unruh, the Missoula Bicycle Club President; Exhibit 6, letter from Gary MacFadden, Executive Director of Bikecentennial, the Bicycle Travel Association, and a brochure; and, Exhibit 7, a letter from Frank E. Winkler, 2113 Charlott Ave., Missoula, MT. All three letters were in support of Senate Bill No. 402.

Bill Ware, Chief of Police, Helena, MT, spoke in support of Senate Bill No. 402. We would like to go on record as supporting this bill.

There were no further proponents to Senate Bill No. 402.
There were no opponents to Senate Bill No. 402.

Senator Hager asked Ron Pogue if there would be any licensing, taxing, or insurance regulations on bicycles if this bill passes.

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Ron Pogue, told Senator Hager he was also concerned about this and thoroughly went through the code. As far as he knows, this bill would not affect bicyclists. The law requires licensing, taxing, and insurance on motor vehicles, and this law will define bicycles as a vehicle, not a motor vehicle. However, there is a section of the law that says the driver of a vehicle is liable for any damages that they may cause.

Senator Hager said this bill puts more responsibility on the bicycle rider, and wondered if this bill would not allow a younger person to ride a bike.

Ron Pogue said no. This bill deals with the serious bicyclist, the person who is on the highways and uses the bike for transportation purposes, touring. This bill will have an impact on irresponsible cyclists. It will not affect the youngster who rides his bike on the sidewalk in residential areas. But it will affect anyone who rides their bike on the roads. Most accidents are caused by riders who are bicycling on the wrong side of the road. We seldom see the police give these people a ticket.

Senator Elliott said he is in support of the bill and the concept behind it, however, he has problems with the bill. I don't think sidewalks is a suitable place for riding a bicycle, except when they are being parked or walked. Why should bicycles be ridden on sidewalks.

Senator Mohar said most of the people who ride on sidewalks are children and sometimes senior citizens. I would not want to take that away from the children, who do not want to be on the roadway.

Ron Pogue said this situation is a difficult one. It would be simple if we did not have them on the sidewalks. And, even if that was the law, we would still have problems in trying to enforce it. Very few competent bicyclists ride on the sidewalks. The Uniform Vehicle Code itself states that vehicles cannot be operated on sidewalks, and makes an exception for local ordinances. Most cities have ordinances that prohibit bicycles from operating on sidewalks in business districts, and allowing them to in residential districts. Some have restrictions on age. Anyone over the age of 15 must use the roadway.

Senator Stimatz asked Ron Pogue to explain Section 2 on Page 10.

Ron Pogue said Section 2, Page 10, states, "A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable. Mr. Pogue drew a diagram on the blackboard

that answered the questions Senator Stimatz had.

Senator Shaw asked if Section 2, Page 10, would apply to the interstate.

Ron Pogue said no. The Interstate is not a one way roadway.

Senator Elliott asked what a laned roadway is.

Ron Pogue said a laned roadway is defined in 51-1-207, and is a roadway which is designed with two or more lanes.

Senator Elliott said he did not like the section of the law that deals with riding two-abreast. Why ride two-abreast?

Ron Pogue said they have changed the law dealing with this, and now reads: "shall not ride more than two-abreast".

Senator Elliott proposed an amendment to Senate Bill No. 402.

1. Page 11, line 2.
Following: "abreast"
Strike: "may"
Insert: "shall"

See Exhibit 8.

Senator Hager asked if the adult tricycles would be considered tandom.

Ron Pogue reported that everyone he had talked to about the adult tricycles and tandom wheels agreed that they would be considered a bicycle, or vehicle. Tandom means one behind the other. It certainly would not exclude adult tricycles as long as they are over 25".

Senator Hager asked if this bill is adopted would cities have any difficulties with it.

Bill Ware, Chief of Police, Helena, said no. We would conform to the Montana law.

In closing, Senator Mohar said he thinks this is a good bill, a traffic safety bill. I hope you give this a favorable do pass.

There being no further discussion, hearing on Senate Bill No. 402 was closed.

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ACTION ON HOUSE BILL NO. 408: Senator Elliott made the motion that House Bill No. 408 BE CONCURRED IN.

Senator Shaw presented an amendment. Senator Elliott withdrew his motion.

Senator Shaw's amendment as follows:

1. Page 1, line 18.

Following: "railroad"

Insert: ", provided however, a caboose is not required on a train operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train of 35 cars or less."

See Exhibit 9.

Senator Shaw made the motion that the amendment to House Bill No. 408 BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 10.

Senator Elliott made the motion that House Bill No. 408 as amended, BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 11.

ACTION ON HOUSE BILL NO. 198: Senator Elliott made the motion that House Bill No. 198 BE CONCURRED IN.

Senator Shaw told the committee this bill could have far reaching effects. This bill just opens the door for the Highway Department further. I urge you to not concur in this bill.

Senator Etchart said this bill came out of recommendations. These recommendations seem to be an invitation to draft a bunch of bills.

Senator Elliott said this bill is just a housekeeping measure for the Highway Department and allows them to recover permit costs. I think it is appropriate that the person getting the permit pay the cost of getting same.

A Roll Call Vote was taken. The motion failed. See Exhibit 12.

Senator Hager made the motion that House Bill No. 198 BE NOT CONCURRED IN. A Roll Call Vote was taken, the motion passed. See Exhibit 13.

ACTION ON HOUSE BILL NO. 7: Senator Elliott made the motion that House Bill No. 7 BE CONCURRED IN. The motion carried. A Roll Call Vote was taken, see Exhibit 14.

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ACTION ON SENATE BILL NO. 402: Senator Graham made the motion to adopt the amendment on Page 11, Line 2. The motion carried. A Roll Call Vote was taken, see Exhibit 15.

Senator Shaw made the motion that Senate Bill No. 402, as amended DO PASS. The motion carried unanimously.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:25 p.m.



Senator Mark Etchart
Chairman

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1981~~ 1983

Date 2/15/8

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓ late		
Senator Graham	✓		
Senator D. Manning			
Senator Stimatz	✓ late		
Senator Daniels			
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

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NAME: Ronald Pogre DATE: 2-15-83

ADDRESS: 1025 North 22nd St Billings, MT 59101

PHONE: 259-2357 (Helena phone 443-7272)

REPRESENTING WHOM? League of American Wheelmen
Billings Branch Club
Alternative Energy Resources Organization

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PREPARED TESTIMONY OF RONALD POGUE IN SUPPORT OF SB 402.

Chairman Etchart and members of the committee:

It is my pleasure to appear before today in support of Senate Bill 402. I am here today representing myself as a bicyclist with 30 years experience and as a writer and researcher who has published several articles on bicycling safety, laws and riding technique. I am also here representing three organizations: the League of American Wheelmen, the national organization of bicyclists with over 20,000 individuals and 500 local clubs as members; the Billings Bicycle Club, with a little less than 100 individual and family members; and the Alternative Energy Resources Organization, with over 500 Montana businesses, families and individuals. These three organization wish to go on record as supporters of SB 402.

I also took copies of the bill to the Montana Department of Highways for review by Director Gary Wicks and Legal Division Administrator James Beck. Mr. Wicks asked me to relay to you that the Department has reviewed SB 402 and has no opposition to its passage.

SB 402, with the exception of Section 5, is based entirely on the current version of the Uniform Vehicle Code. Enclosed is a chart which cites the specific articles of the UVC on which the respective sections of SB 402 are based. Montana's current bicycling laws are primarily based on much older versions of the UVC. As you know, the UVC is updated every 3-5 years by the National Committee on Uniform Traffic Laws and Ordinances, an association of over 100 representatives of federal, state and local governments, insurance companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations, and others interested in achieving sound, uniform traffic laws and regulations. During the last couple decades, significant progress was made in bicycling research and safety as well bicycle usage as a mean of serious transportation. This progress resulted in changes to the bicycling portions of the Uniform Vehicle Code in 1971, 1975, and 1979. These changes are embodied in SB 402.

SB 402:

1) Redefines a "bicycle" as a "vehicle". The legal status of "vehicle" for bicycles is important to cyclists and motorists alike. It makes it legally explicit that bicyclists are required to obey all traffic laws and are citable for infractions of those laws. It makes it clear that cyclists are liable for damages they cause. It also establishes explicitly their rights to share the roadways and be afforded the protections of the law. (Sections 1 and 2.)

2) Allows cyclist to make left turns in the same manner that a car would or by riding all the way around the outside of the intersection as a pedestrian would. This provisions strong or weak cyclists, more experienced or less experienced cyclists, to each choice a manner of turning left that is compatible with their respective abilities and other traffic. (Section 3.)

3) Permits a cyclist to give intermitent (rather than continuous) turn signals when his or her hands are needed in the control and operation of the bicycle. (Section 4.)

4) Allows a bicycle to be parked on a sidewalk only if such parking does not impede the normal and reasonable flow of pedestrian and vehicle traffic. (Section 6.)

5) Authorizes an optional right turn signal for bicyclists--i.e., extending the right hand and arm horizontally. This signal is easier for cyclist to make and studies have shown that this signal is more clearly understood by motorists than the the conventional right turn hand-and-arm signal. (Section 5.)

6) Requires car doors to be carefully opened on all sides of the vehicle that are next to traffic of any kind--vehicle or pedestrian. (Section 7.)

7) Requires vehicle drivers, including cyclists, to exercise due care to avoid colliding with cyclists in addition to pedestrians. (Section 8.)

8) Reaffirms that bicyclists are subject to the duties of and are granted the rights of drivers of other vehicles. This provision is also extended to the MCA chapter on traffic accidents. (Section 9.)

9) Allows bicyclists to pull bonafide bicycle trailers. (Section 10.)

10) Maintains the requirement that cyclists ride as far to the right side of the roadway as practicable, but authorizes exceptions to this requirement for passing, turning left, riding as fast as the flow of traffic, and conditions along the right side that make it unsafe to continue riding there. (Section 11.)

11) Allows cyclists the option of riding on the extreme left side of one-way streets. (Section 11.)

12) Permits cyclists to ride two abreast only when it does not impede the normal and reasonable movement of traffic. If traffic situations, cyclists would usually still be required to ride single file. (Section 11.)

13) Requires the driver of any vehicle, including bicycles, to yield to all traffic on sidewalks that the driver is crossing. (Section 12.)

14) States that bicyclists riding on sidewalks lose their vehicle status and are bound by the rights and duties of pedestrian law. In addition, cyclists must yield to all pedestrians and must give an audible signal when passing pedestrians on a sidewalk. (Section 13.)

SB 402 is needed. It benefits motorists and cyclists by clearly spelling out the rules for both. It should improve the traffic behavior of cyclists, which in turn will increase the respect of motorists for cyclists. I strongly urge you to give SB 402 a "do pass" recommendation.

Thank you.

Submitted by,

Ronald Pogue

Ronald Pogue
1025 North 22nd St.
Billings, MT 59101
(406)259-2357

All sections of SB 402 except section 5 are based on the Uniform Vehicle Code:

SB 402

Uniform Vehicle Code

Section 1. § 1-184—Vehicle. — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (REVISED, 1975.)

Section 2. § 1-105—Bicycle. — Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices. (REVISED, 1975 & 1979.)

Section 3. § 11-1207—Left turns
(a) A person riding a bicycle or a moped intending to turn left shall follow a course described in § 11-601 or in subsection (b).
(b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist or moped driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.

Section 4. § 11-1208—Turn and stop signals
(a) Except as provided in this section, a person riding a bicycle shall comply with § 11-604.
(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

Section 6. § 11-1210—Bicycle parking
(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.
(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

Section 7. § 11-1105—Opening and closing vehicle doors
No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1975.)

Section 8. § 11-504—Drivers to exercise due care
Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall 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 and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (REVISED, 1971 & 1975.)

Page 13, Highways, 2/15/83

NAME: MARK CADWALLADER

BILL NO. 402

ADDRESS: 1749 1/2 S. 12th W, MISSOULA, MT 59801 DATE 2/15/83

WHOM DO YOU REPRESENT Sam Warren, Missoula Deputy City Attorney

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Sam Warren was unable to be present today, and asked me to present his written statement.

Written Testimony of Sam Warren, Missoula Deputy City Attorney

I would like to take this opportunity to respectfully urge this Committee to recommend passage of Senate Bill 402. The primary thrust of this Bill is to specifically define the term "vehicle" as used in the state traffic code to include bicycles. Other parts of the Bill make exceptions or modifications where it would be inappropriate to treat bicycles and other vehicles exactly the same.

Present State of Law

At the present time, the Montana Traffic Code expressly excepts bicycles from the definition of "vehicle". Section 61-1-103, M.C.A. Virtually all of the operating requirements contained in the Montana Traffic Code apply only to "vehicles". Thus, on its face, it would appear that the provisions which govern "vehicles" do not apply to bicycles operated on Montana streets and highways. The legislature, apparently to address this exact issue, enacted Section 61-8-602, which states:

"61-8-602. Traffic laws applicable to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 9 except as to special regulations in this part and except as to those provisions of this chapter and chapter 9 which by the very nature can have no application."

Unfortunately, the above-quoted language, while it seems straightforward, does not adequately resolve the problem. While it does purport to "grant" bicyclists all of the "rights and duties" of other drivers, this is not the same as subjecting bicyclists to the operating requirements of the Motor Vehicle Code.

Bicyclists find themselves in a unique, undefined area of the law. As it presently stands, it is not at all clear that bicyclists are governed by the vehicle operating requirements that govern "vehicles".

The Problem

While I cannot offer any statistical proof, my personal experience and observation indicates that bicycle use is growing rapidly, especially in urban areas. This has resulted in increased numbers of collisions between bicycles and motor vehicles. One particular case will illustrate the problem.

Last summer, in Missoula, there was a collision between a pickup truck and a bicycle. Fortunately, no one was injured, although the bicycle was damaged extensively. The driver of the pickup truck, obviously in a hurry, merely asked the bicyclist if he had "learned anything" and then left the scene without giving his name or other information. The stunned bicyclist found himself sitting on the curb with a badly damaged bike, wondering what to do. Because the exact cause of the accident was unclear (in terms of who was at fault), it was clear that the motorist left the scene without giving the bicycle rider his name, address, or insurance information. Our Office investigated the incident, found the driver of the pickup truck, and issued him a citation for leaving the scene of a property damage accident without giving the required information (Section 61-7-104, M.C.A.). Of course, this statute pertains only to "the driver of any vehicle involved in an accident resulting only in damage to a vehicle . . ." The Defendant appeared, through his lawyer, and asked that the case be dismissed since the term "vehicle" as defined in the Montana Vehicle Code, specifically excludes bicycles. This motion was granted.

The above case is neither unique nor unjustified. There is a general legal axiom that all penal laws (such as traffic laws) must be construed strictly against the state. Thus, if any confusion or ambiguity exists in the law, the person charged with violating the law shall get the benefit of the doubt. Although we do have a law granting bicyclists the "rights and duties" of operators of other vehicles, we also have a law which specifically excepts bicycles from the definition of vehicles. This ambiguity will be construed in favor of the person charged.

In conclusion, I believe that the Montana Traffic Code does not effectively govern the operation of bicycles. A motor vehicle which fails to yield the right of way to a bicycle cannot be charged (at least in Missoula) with any traffic violation. Similarly, a bicyclist is not governed by vehicle operating requirements such as stop signs, traffic lights, as well as accident reporting requirements.

I believe that Senate Bill No. 402 solves the problem describes above. This Bill would definitely include bicyclists within the definition of vehicles and clarify the laws that govern their operation. I believe this Bill deserves your serious consideration and support.

Respectfully submitted,

Sam Warren

Sam Warren
Missoula Deputy City Attorney
201 West Spruce
Missoula, Montana 59802

SW/jd



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

February 15, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Mr. Chairman, Committee Members, I'm Curt Hahn, Driver Education Specialist for the Office of Public Instruction. I am pleased to represent OPI and go on record as a proponent of SB402. We feel that this legislation effectively clears up the present ambiguity in Montana's Motor Vehicle Codes relative to the status of a bicycle when upon a roadway and it brings Montana law into compliance with the current Uniform Vehicle Code. Further, and more importantly, this legislation improves the safety and efficiency of the flow of traffic. Therefore, we encourage this committee to support this bill and give it a "Do Pass" recommendation.

A handwritten signature in cursive script, appearing to read "Curt Hahn", enclosed within a circular scribble.

Curt Hahn, Specialist
Traffic Education Programs



Page 17, Highways, 2/15/83
The Montana Traffic Education Association

Exhibit 3

815 Stuart, Helena, Montana 59601
(406) 449-3126 or 443-1969

February 14, 1983

Senator Mark Etchart, Chairman
Highways and Transportation Committee
Forty-Eighth State Legislature of Montana
State Capitol
Helena, Montana 59620

Dear Senator Etchart:

I have had the opportunity to review SB402, "An Act Defining A Bicycle As A "Vehicle"; Revising and Clarifying the Bicycle Traffic Laws; Amending Sections 61-1-103, 61-1-123, 61-8-333, 61-8-336, 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604, and 61-8-605, MCA; and Providing an Immediate Effective Date." I find that the provisions therein provide Montana's roadway users with a clearer and more uniform vehicle code. This revised code will improve the motor vehicle/bicycle traffic mix and provide additional safety and a smoother flow of traffic for all vehicle operators.

On behalf of the Montana Traffic Education Association, an association composed of driver education teachers and driver license examiners, we would like to go on record as a proponent of SB402. We encourage you and your committee to support this timely legislation with a "DO PASS" recommendation.

Sincerely,

Wayne Elser

WAYNE ELSER, President
Montana Traffic Education Association

Page 18, Highway, 2/15/83

NAME:

Albert Goke

DATE:

2/15/83

ADDRESS:

303 W. Roberts Helena

PHONE:

449-3412

REPRESENTING WHOM?

Algh. Traffic Safety Div. - Dept. of Justice

APPEARING ON WHICH PROPOSAL:

SB 402

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

Proposed changes are supported by the wording from the Uniform Vehicle Code and would conform to national trends in dealing with bicycle law in the U.S.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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NAME:

JOHN WILLIAMS

DATE:

2.15.83

ADDRESS:

201 W. SPRUCE, MISSOULA MT 59802

PHONE:

1-721-4700 x 226

REPRESENTING WHOM?

CITY OF MISSOULA, ENGINEERING DEPT.

APPEARING ON WHICH PROPOSAL:

SB 402

DO YOU:

SUPPORT?

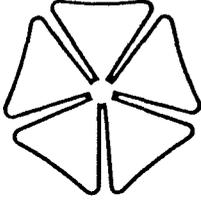
AMEND?

OPPOSE?

COMMENTS:

AS A PROFESSIONAL INVOLVED IN TEACHING YOUNGSTERS HOW TO RIDE SAFELY, I FEEL THIS BILL IS NECESSARY TO IMPROVING SAFETY OF MONTANA BICYCLISTS. IT WILL CLARIFY THE LEGAL STATUS OF BICYCLISTS, IT WILL CLEARLY STATE THE SITUATIONS UNDER WHICH A BICYCLIST MUST KEEP TO THE RIGHT, IT WILL MAKE TEACHING OF TURN SIGNALS EASIER.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

February 14, 1983

CITY ENGINEERING DEPARTMENT
201 West Spruce Street
Phone 721-4700

Letter No. E-83-0162

Senator Mark Etchert
Chairman
Highways & Transportation Committee
Montana Senate
Capitol Station
Helena MT 59620

Dear Senator Etchert:

I am writing in support of Senate Bill 402, an act that would bring Montana vehicular laws into conformance with the Uniform Vehicle Code.

I believe we need this bill. Montana has seen substantial growth in bicycle use over the past ten years. With this growth has come a rise in bicycle-related accidents and more confusion about the bicycle's place in the traffic mix.

Montana is one of the leaders in the movement to solve these problems. We have, for example, a state-wide bike safety training program that is recognized as one of the finest in the nation.

As a bike safety instructor who has taught hundreds of bicyclists of all ages, I can attest to the progress we have made. I can also attest to the long way we have to go, however, as some of our laws are still inadequate.

The proposed legislation will help me teach safe bicycling by:

- clearing up the confusing status of the bicycle (it's hard to explain to kids and adults that they have the rights and duties of a driver but are not a driver);
- giving a clear legal basis for teaching the two-stage left turn that is recommended in the Montana Bicyclist Training Program;
- clarifying the situations under which a bicyclist may move left to avoid a hazardous situation.

The bill also goes along with the Uniform Vehicle Code in recognizing some of the differences between cars and bikes with regards to signalling turns and other maneuvers.

All in all, I feel this bill is a positive contribution to the bicycle safety situation in Montana. I respectfully request favorable consideration of SB 402.

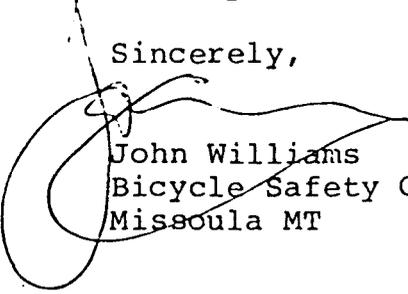
2/Senator Mark Etchert

Exhibit 4

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Thank you for attention to this matter.

Sincerely,



John Williams
Bicycle Safety Coordinator
Missoula MT

JW/rm

Page 22, Highway, 2/15/83

NAME: JUNE J. SIPLE DATE: 2/15/83

ADDRESS: 717 DEFOE, MISSOULA MT 59802

PHONE: (406) 542-2607 OR 543-8314 (office)

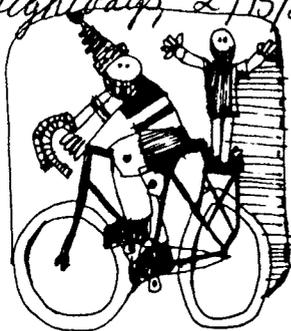
REPRESENTING WHOM? The Bicyclist's Guide to Montana

APPEARING ON WHICH PROPOSAL: Senate Bill # 402

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I FEEL THAT THE MONTANA CODE
IN ITS PRESENT FORM IS CONFUSING TO
THE PUBLIC AND ENFORCEMENT OFFICIALS
ALIKE; ADOPTION OF THE APPROPRIATE
UNIFORM VEHICLE CODE SECTIONS INTO
THE MONTANA CODE WOULD MAKE THE
LAW MORE CLEAR FOR BICYCLE RIDERS
AND MOTORISTS ALIKE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE MISSOULA BICYCLE CLUB

February 14, 1983

Senator Mark Etchert, Chairman
Highways & Transportation Committee
Capitol Station
Helena, MT 59620

Dear Senator Etchert:
re: SB 402

I am president of the Missoula Bicycle Club, the largest incorporated bicycling club in Montana with over 300 members. 21% are non-Missoula members living elsewhere in Montana. I am in support of Senate Bill 402 because of the potential it creates for increased road safety for motorists and bicyclists alike. Current laws regarding bicyclists sharing the road with motorists are confusing and SB 402 would help clarify law enforcements part in maintaining safety.

The bottom line is bicyclists and motorists obeying traffic laws equally. After all, motorists must stop at stop signs so why continue to let bicyclists coast through?

Sincerely,

A handwritten signature in cursive script that reads "Debra Unruh".

Debra Unruh
MBC President



The Bicycle Travel Association

P.O. Box 8308, Missoula, MT 59807
(406) 721-1776

February 14, 1983

Senator Mark Etchert
Chairman - Highways and Transportation Committee
Capitol Station
Helena, MT 59620

Senator Etchert:

During the past decade the bicycle has become more than a mere toy given to one's child for Christmas or a birthday. It is at once a vehicle for the young (and old), a tool for commuting in the auto-clogged cities, a competitive machine for the bicycle racer, and a means of escape for the touring bicyclist.

It is this latter group, the touring cyclists, whom we serve through Bikecentennial, a service organization for cyclists born nine years ago in Missoula, and now the nation's largest bicycling organization, though certainly not its oldest.

During our nine years we have drawn thousands of cyclists to the state of Montana. They have climbed our tortuous mountain passes, wondered at our national parks, and reveled in pastoral scenery that exists in so few places in our nation today.

These cyclists are drawn to Montana largely because several arms of Bikecentennial's developing national bicycle trail network link and cross in this state. We seek the lightly traveled, scenic roadways; the small towns bypassed by the busier highways. It is on these lightly traveled roads that the cyclists are more likely to truly experience our state. They travel unencumbered by heavy traffic, and they bring unquestionable economic benefit to the small towns along the way.

Yet, these two-wheeled travelers are met by an archaic law that strips them of the rights as vehicle drivers that cyclists enjoy in most other states today, while requiring of them the responsibilities of motorized vehicle drivers. This is patently unfair.

As the executive director of Bikecentennial, and on the behalf of our 20,000 member cyclists nationwide, I ask you to support the passage of Senate Bill #402, "An Act Defining A Bicycle As A Vehicle..."

Sincerely,

A handwritten signature in black ink, appearing to read "Gary MacFadden", is written over a horizontal line.

Gary MacFadden
Executive Director

Page 25, Highways 2/15/83

BIKE BACK INTO AMERICA

BIKECENTENNIALTM

The Bicycle Travel Association

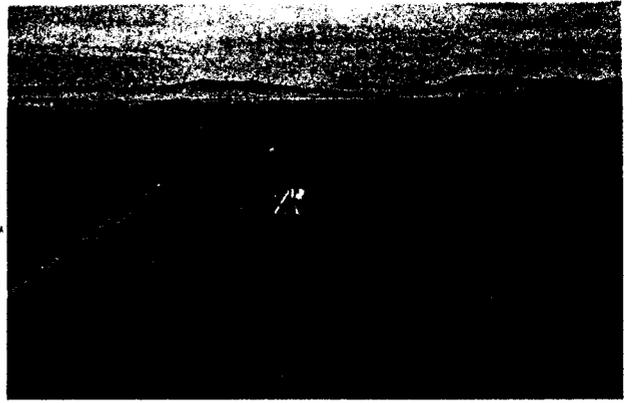


Exhibit 6



6, Highway, 2/15/83

Exhibit 7

February 15, 1983

1. Mark Etchert, Chairman
Highways and Transportation Committee
Helena, MT 59620

Dear Sen. Etchert,

In writing you in regard to Senate Bill 702 concerning bicycle traffic laws and regulations. After reviewing the bill I am convinced that passage of this bill will benefit both the cyclist and the motorist. I am urging you to give this bill serious consideration and support.

I have been a bicycle commuter and touring biker for over twenty years, making many trips throughout Montana and other states. I use the bicycle as a vehicle, commuting to and from work for over nine months of the year. I ride approximately 3,000 miles each year and have seen many instances when a clearcut law would have been very beneficial.

I believe passage of this bill will make the law consistent and aid law enforcement officers greatly. During the late energy crisis many Montansns started using the bicycle for transportation and now that oil and gas are plentiful again they still prefer to ride their bikes. They have found that a bicycle is truly a vehicle to get from one place to another.

I hope you will support this worthwhile legislation and help its passage through the Legislature.

Thanks very much from a concerned cyclist.

Frank E. Winkler

Frank E. Winkler

2113 Charlott Ave.
Missoula, MT 59801

Page 27, Highway, 2/15/83

Amendment SB 402

Exhibit 8

1. Page 11, line 2

Following: "abreast"

Strike: "may"

Insert: "shall"

Senate Highway



HB 408

1. Page 1, line 18

Following: "railroad"

~~Proposed Amendment~~ ~~HB 408~~

Insert:

"Provided however, ~~a~~ ^{is not} caboose shall be required on trains^{or} operating within railroad yard limits, on ^{or} road, switch, or local switch train, on ^{or} work train, maintenance train, or on any other train ^{of} ~~with~~ 35 cars or less."

State Highway

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 408 Time _____

Amendment

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning	~~~~~	~~~~~
Senator Stimatz		✓
Senator Daniels	~~~~~	~~~~~

Carol Doyle Frasier

Carol Doyle Frasier

Secretary

Mark Etchart

Senator Mark Etchart

Chairman

Motion: *Senator Shaw made the motion to do Pass*
the amendment on Page 1, line 18, following
"railroad" insert: see attached
motion passed. *B B [unclear]*

(include enough information on motion---put with yellow copy of committee report.)

Proposed Amendment

HB 408

Provided however, notwithstanding any other provision of this section, any railroad may enter into an agreement with the appropriate railway labor organizations authorizing the elimination of cabooses.

Page 31, Highway, 2/15/83

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 408 Time _____

as amended

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz		✓
Senator Daniels		

Carol Doyle Frasier

Carol Doyle Frasier

Secretary

Mark Etchart

Senator Mark Etchart

Chairman

Motion: Senator Elliott made the motion that
HB 408 as amended do Pass. Motion
Passed. B. Brown carries.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 198 Time _____

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman		✓
Senator Elliott	✓	
Senator Shaw		✓
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz		✓
Senator Daniels		

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Elliott made the motion that
HB 198 Do Pass. Motion failed.

Senator Hager made the motion that we reverse

(include enough information on motion--put with yellow copy of committee report.)
the vote on a Do Not Pass.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HR 198 Time _____

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott		✓
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning	~~~~~	~~~~~
Senator Stimatz	✓	
Senator Daniels	~~~~~	~~~~~

CDT

Carol Doyle Frasier
Secretary

Mark Etchart

Senator Mark Etchart
Chairman

Motion: Sen Hager made motion DO NOT PASS,
BE NOT CONCURRED IN, motion
carried.

Shaw carries

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. HB 7 Time _____

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	~~~~~	~~~~~
Senator Stimatz	✓	
Senator Daniels	~~~~~	~~~~~

Carol Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Elliott made the motion
that HB 7 Do Pass, motion
carried.

Sen. Stimatz carries

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/15 1983 Bill No. SB402 Time _____

amendment

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning		
Senator Stimatz	✓	
Senator Daniels		

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Page 11, Line 2 Senator Graham
Following: "alreast" made motion to do
Strike: "may" Pass the amendment
Insert: "shall" Motion Passed

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Senate Bill 402

Date 2/15 1983 Bill No. SB 402 Time _____
as amended

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	<i>~~~~~</i>	<i>~~~~~</i>
Senator Stimatz	✓	
Senator Daniels	<i>~~~~~</i>	<i>~~~~~</i>

Carol Doyle Frasier
Carol Doyle Frasier
Secretary

Mark Etchart
Senator Mark Etchart
Chairman

Motion: Senator Shaw made the motion that
SB 402 as amended Do Pass, Motion carried.
Stimatz Carries

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

Page 32

FEBRUARY 15

19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 408

Respectfully report as follows: That HOUSE Bill No. 408 third reading, be amended as follows:

1. Page 1, line 18.

Following: "railroad"

Insert: ", provided however, a caboose is not required on a train operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train of 35 cars or less."

And, as so amended BE CONCURRED IN

~~DE PASX~~

Ne.

STANDING COMMITTEE REPORT

Page 35

February 15 19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **198**

HARP (SHAW)

Respectfully report as follows: That **HOUSE** Bill No. **198**

BE NOT CONCURRED IN

~~DISAPPROVE~~

Handwritten initials

STANDING COMMITTEE REPORT

February 15 19 83

Page 37

MR. **PRESIDENT:**.....

We, your committee on **HIGHWAYS AND TRANSPORTATION**.....

having had under consideration **HOUSE**..... Bill No. **7**.....

HARP (STIMATZ)

Respectfully report as follows: That..... **HOUSE**..... Bill No. **7**.....

BE CONCURRED IN

~~DO PASS~~

M.C.

STANDING COMMITTEE REPORT

Page 40

FEBRUARY 15 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE Bill No. 402

Respectfully report as follows: That SENATE introduced bill, be amended as follows: Bill No. 402

- 1. Page 11, line 2.
- Following: "abreast"
- Strike: "may"
- Insert: "shall"

And, as so amended,
DO PASS

M.C.