

M A R Y L A N D
Bicycle and Pedestrian Advisory Committee



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Vincent J. Browne Jr.

Richard A. Cushwa

Judith Grillo

Sgt. Janet Harrison

Gregory W. Hinchliffe

Michael Mason

Susan Mele

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Kevin Racine

Marci Ross

Fred Shaffer

Patrick Sheehan

Jeff Springer

Beverley Swaim-Staley

James G. Titus

Ann Walsh

Cari Watrous

Neal Welch

John Z. Wetmore

Elbert Whiting

November 3, 2009

Lieutenant Michael Thompson
Commander, Barrack "T" Leonardtown
Maryland State Police
23200 Leonard Hall Drive
Leonardtown MD 20650

Dear Lt. Thompson:

The Maryland Bicycle and Pedestrian Advisory Committee (MBPAC) is established by State law and tasked with providing guidance to State agencies regarding matters affecting bicyclists and pedestrians. It has come to our attention that you responded to questions regarding the circumstances of the traffic collision resulting in the death of a bicyclist, Mr. Curtis A. Leymeister on October 5, 2009 with an email message sent on October 8th (see attachment). The statement in this message that because Mr. Leymeister was riding the middle of the travel lane this will be considered to be classified as one of the primary causes of this collision as it was inappropriate. Section 21-1205 (a) of the Annotated Code of Maryland was cited as support for this statement.

During MBPAC's scheduled October 9, 2009 meeting this matter was discussed and the consensus of our Committee is that the Maryland State Police (MSP) has misinterpreted the law cited and a resolution was passed to bring the matter to their attention. We recognize that the rules of the road relating to bicyclists are often misunderstood, even by members of law enforcement. Given the broad array of responsibilities that MSP officers are charged with we are not entirely surprised that Mr. Leymeister's roadway position was not understood to be legal and appropriate under the circumstances. We wish to take this opportunity to explain why we believe citing the bicyclist's roadway position as a primary cause of the collision is incorrect under Maryland law.

Two sections of the Transportation Volume of the Annotated Code of Maryland are applicable here. First, Section 21-1205 (a) (6) states, "*Each person operating a bicycle or a motor scooter at a speed less than the speed of traffic at the time and place and under the conditions then existing on a roadway shall ride as near to the right side of the roadway as practicable and safe, except when... (6) Operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.*"

Section 21-1205.1 (b) (1) (iii) is also relevant. It states "*Where there is a bike lane paved to a smooth surface or a shoulder paved to a smooth surface, a person operating a bicycle or a motor scooter shall use the bike lane or shoulder and may not ride on the roadway, except in the following situations: ... (iii) When reasonably necessary to leave the bike lane or shoulder to avoid debris or other hazardous condition.*"

Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor

Lieutenant Michael Thompson
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According to the statement by MSP the travel lane was 9 feet, 7 inches in width and the shoulder was 3 feet, 4 inches in width. The Guide for the Development of Bicycle Facilities published by the American Association of State Highway and Transportation Officials (AASHTO) in 1999 discusses how much space bicyclists need to operate. The Maryland State Highway Administration generally follows AASHTO's guidelines.


On page 5 of this guide is the following statement: "**An operating space of 1.2 m (4 feet) is assumed as the minimum width for any facility designed for exclusive or preferential use by bicyclists.** Where motor vehicle traffic volumes, motor vehicle or bicyclist speed, and the mix of truck and bus traffic increase, more comfortable operating space of 1.5 m (5 feet) or more is desirable." Standard traffic lane widths are 12 feet wide. It is standard practice that a travel lane should be at least 14 feet wide for a motor vehicle to pass a bicyclist while remaining within the lane.

Given the 4 feet minimum width needed for a bicyclist to operate in, a shoulder measuring less than that would constitute a hazard for the bicyclist. Therefore he or she would be excused from using such a substandard width shoulder under Section 21-1205.1 (b) (10) (iii). Again, given the fact that a bicyclist needs a minimum of 4 feet of width to operate and given that the width of car itself would be between 5 and 6 feet, it is impossible for them to share a travel lane of less than 10 feet. It is unsafe for a bicyclist to ride as far right as possible as this position encourages motorists to pass bicyclists at unsafe distances.

The Maryland Department of Transportation publishes and distributes bicycle safety materials geared toward adults. On Page 15 of the Safe Bicycling in Maryland guidebook, bicyclists are advised to ride in the middle of the lane when it is too small for cars to pass them safely, as Mr. Leymeister was doing. MDOT's 16 minute safety video, Competence and Confidence also provides the same advice, consistent with Maryland law. Attached are copies of the booklet and video.

MBPAC respectfully requests that the MSP reconsider their initial finding that Mr. Leymeister's position on the roadway was inappropriate based on this information. We would welcome the opportunity to work with the MSP in educating the public on the rights and responsibilities of bicyclists and motorists to each other in a cooperative manner. Thank you in advance for your consideration of this request. I can be reached at 301-862-1695 or at jks36@verizon.net if you have questions or concerns regarding this matter.

Sincerely,



James Swift, Chairman
Maryland Bicycle and Pedestrian Advisory Committee

Attachments

cc: Mr. Steven H. Allan, Special Projects Coordinator, Maryland Department of Planning
Mr. Vincent J. Browne, Jr., Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Richard A. Cushwa, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee

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cc's: continued

Ms. Judith Grillo, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Sgt. Janet Harrison, State Trooper, Maryland State Police
Mr. Gregory W. Hinchliffe, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Michael Jackson, Director, Maryland Bicycle and Pedestrian Access, Maryland Department of Transportation
Mr. Michael Mason, Specialist, Physical Education, Maryland State Department of Education Representative, Maryland Bicycle and Pedestrian Advisory Committee
Ms. Susan Mele, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Kevin Racine, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Carl Rebele, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Ms. Marci Ross, Assistant Director, Department of Business and Economic Development
Mr. Fred Shaffer, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Patrick Sheehan, ADA Coordinator, Maryland Bicycle and Pedestrian Advisory Committee
Mr. Jeff Springer, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Ms. Beverley Swaim-Staley, Secretary, Maryland Department of Transportation
Mr. James G. Titus, Citizen Representative, Maryland Bicycle and Pedestrian Advisory Committee
Ms. Ann Walsh, Physical Activity Coordinator, Department of Health and Mental Hygiene
Ms. Cari Watrous, ADA Coordinator, Maryland Department of Disabilities
Mr. Neal Welch, Planner, Maryland Department of Natural Resources
Mr. John Z. Wetmore, Citizen Representative, Maryland Bicycle and Pedestrian Access
Mr. Elbert Whiting, Citizen Representative, Maryland Bicycle and Pedestrian Access

M A R Y L A N D
Bicycle and Pedestrian Advisory Committee



Jim Swift,
 Chairperson

November 3, 2009

Steven H. Allan

Maryland Bicycle and Pedestrian Advisory Committee Resolution

Vincent J. Browne Jr.

Richard A. Cushwa

Whereas

Judith Grillo

- State law assigns Maryland Bicycle and Pedestrian Advisory Committee the role of providing guidance to State agencies on matters related to bicycling;
- The law in Maryland recognizes cyclists as legitimate road users with specific rights and responsibilities;
- In Maryland, the general rules requiring that a cyclist ride in the shoulder or ride to the right have exceptions for when it is reasonable to ride elsewhere; and
- Police often make statements to the public while an investigation is still ongoing

Sgt. Janet Harrison

Gregory W. Hinchliffe

Be it resolved that MBPAC offers the following guidance regarding when it may be reasonable to ride in the center of a travel lane rather than in or near a shoulder and public statements during an investigation of a bicycle crash.

Michael Mason

1. The rule requiring that a cyclist ride in a paved shoulder has an exception for when it is reasonably necessary to avoid a hazardous condition. Law enforcement officers should recognize that the presence of branches and mailboxes protruding over or close to the shoulder--makes it reasonably necessary to avoid a hazardous condition. Moreover, the State police should also recognize that the definition of a shoulder in the statute does not apply to a lane narrower than 4 feet. We offer no advice today about whether the definition of a shoulder would also include lanes that are wider than 4 feet but too narrow for an emergency vehicle.

Susan Mele

2. If it is necessary to ride in the main roadway, the Maryland law that generally requires riding as far to the right as practicable does not apply if the lane is too narrow to accommodate both a cyclist and a motor vehicle passing the cyclist safely. Under such circumstances, the cyclist has the right to ride in the center of the travel lane and it is often a good practice to do so. The question as to whether it is reasonable to take the lane (i.e. ride in the center) depends on the width of the lane, not on the width of the shoulder. A lane narrower than 10 feet is too narrow for a car to pass a cyclist within the lane, and hence a cyclist could reasonably decide that it is better to ride in the center of such a lane. We offer no advice today as to how wide a lane must be before it can accommodate a motor vehicle passing a cyclist.

Carl Rebele

3. Public statements by law enforcement personnel about bicycle-motor vehicle crashes while an investigation is still ongoing should be even-handed. If a public statement mentions a possible fault by the cyclist, it ought to mention possible fault by the motorist. Statements about laws that may have been violated should also mention the possibility that a statutory exception is applicable.

Kevin Racine

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