

Legislative Analysis



SAFE DISTANCE WHEN PASSING A BICYCLE

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House Bill 4265 (H-3) as reported from committee
Sponsor: Rep. Holly Hughes
Committee: Transportation and Infrastructure
Complete to 3-20-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4265 would amend the Michigan Vehicle Code to require the driver of a vehicle passing a bicycle to pass at a distance of 3 feet when practicable.

FISCAL IMPACT: House Bill 4265 would increase revenues to the state. Revenue collected from payment of civil infraction penalties is deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial branch and the Departments of State Police, Corrections, and Health and Human Services.

THE APPARENT PROBLEM:

According to the Office of Highway Safety Planning (OHSP), Michigan bicycle fatalities doubled from 2012 to 2016, increasing from 19 deaths to 38. An OHSP analysis of crash data from 2010 to 2014 suggested that about one fourth of accidents involving bicycles and motor vehicles occur during overtaking and passing. (These data include crashes when a vehicle is overtaking a bicycle, as well as vice versa.) In addition, bicyclists are reportedly being routinely “buzzed”—passed from behind at an unsafe distance or unsafe speed—by impatient, aggressive, or oblivious drivers. Legislation has been proposed to prescribe safety standards for motor vehicles when they overtake and pass bicycles on the road.

THE CONTENT OF THE BILL:

Under the bill, the driver of a vehicle overtaking a bicycle going in the same direction and passing it on the left would have to pass at a distance of 3 feet to the left of the bicycle or, if that distance is impracticable, at a safe distance to the left at a safe speed. If safe to do so, the driver could drive to the left of the center of the highway to pass the bicycle, even if the vehicle is in a no-passing zone at the time.

The driver of a vehicle overtaking a bicycle going in the same direction and passing it on the right—if otherwise allowed to pass on the right under Section 637—would have to pass at a distance of 3 feet to the right of the bicycle or, if that distance is impracticable, at a safe distance to the right at a safe speed.

A person who violated these proposed requirements would be responsible for a civil infraction. [Improper passing is a 3-point violation for a driver’s record under the Code.]

The bill would take effect August 1, 2019.

MCL 257.636 and 257.637

BACKGROUND INFORMATION:

Michigan is one of 11 states with no specific statutory standard regarding a vehicle passing a bicycle. Among the states that do have such a standard, 27 specify a 3-foot distance; one specifies 2 feet; one specifies 4 feet; and one requires either 3 feet or 6 feet, depending on the posted speed limit. The remaining nine states have general “safe distance” language.¹

In 2015 the city of Grand Rapids passed an ordinance requiring 5 feet of space when vehicles pass bicyclists. Other communities, including Kalamazoo and Ann Arbor, have followed suit. Battle Creek passed a 3-foot requirement in 2017.²

BRIEF DISCUSSION OF ISSUES AND ARGUMENTS:

While there was general consensus about the importance of safety and the need for a variety of roadway users to share the roads, there were disagreements about how best to achieve these goals. Committee discussion of HB 4265 largely centered on whether Michigan should prescribe a specific passing distance (5 feet and 3 feet were the distances discussed) or should enact more general language requiring motor vehicles to keep a “safe distance” when passing bicycles.

Those who preferred the broader language, which would make it incumbent on the driver doing the passing to make sure that it is done safely, argued that specific distances are difficult to judge and therefore to enforce. It is easier, they argued, for an officer to see that a passing situation is unsafe than for him or her to see from a distance precisely how many feet of space separate two moving objects.

Those who preferred the Vehicle Code to mandate a specific passing distance argued that requiring simply that a driver be “safe” provided too much latitude for drivers who might not realize just how unsafe they are being. In addition to the tragic reports of crashes and fatalities, many cyclists described being often “buzzed” on the road by cars passing at distances or speeds that are too near or too fast. The sensation to a vulnerable roadway user is deeply unnerving—yet, in many cases, these drivers may have believed that they were being “safe.”

For many who argued for enacting a specific distance into law, mandating a passing distance was almost as much about driver education and awareness as about the law’s enforceability. These advocates hope that having a specific passing distance—many preferred 5 feet—will make drivers think twice about their roadway behavior, and perhaps alter the impatience, aggression, or obliviousness of drivers for whom a “safe passing distance” might not always be that safe.

The bill as passed from committee would mandate a 3-foot distance, but allow cars to pass at a safe distance and safe speed when that minimum distance is impracticable. Some argued that a distance of less than 3 feet could not be considered safe at any speed.

¹ For an overview of state laws, see: <http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>

² See <http://michiganradio.org/post/assessing-bike-safety-michigan-after-deadly-year>

POSITIONS:

Representatives from the following organizations testified in support of the bill:

- Michigan Trails and Greenways Alliance (10-31-17; and indicated support 3-9-18)
- National Motorists Association (3-6-18)
- PEAC (Programs to Educate All Cyclists) (10-31-17; and indicated support 3-12-18)

The following organizations and entities indicated support for the bill:

- AAA of Michigan (3-12-18)
- Ann Arbor Velo Club (3-15-18)
- Cherry Capital Cycling Club (3-14-18)
- Downriver Cycling Club (3-13-18)
- League of Michigan Bicyclists (3-6-18)
- Michigan Environmental Council (3-6-18)
- Ride of Silence (3-6-18)
- Sierra Club (3-6-18)
- Tri-County Bicycle Association (3-12-18)

The following organizations and entities indicated a neutral position regarding the bill:

- Michigan Department of State Police (3-6-18)
- Chain Gang Bicycle Club (3-12-18)
- Kalamazoo Bicycle Club (3-13-18)

The Washtenaw Bicycling and Walking Coalition opposes the bill as reported. (3-20-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.