

LEGISLATIVE PLATFORM - 2012



MoBikeFed Legislative Platform—2012

This platform was developed and proposed by the Missouri Bicycle & Pedestrian Federation board of directors and legislative committee with much input from Federation members and walking, bicycling, running, and trails organizations around the state.

This is a living document and will continue to grow and evolve. Comments are welcome at any time.

More information about the Missouri Bicycle & Pedestrian Federation is at <http://MoBikeFed.org>.

HIGHEST 2012 PRIORITIES

MoBikeFed will take the lead on these issues:

- ◆ **Safe Streets:** When unsafe drivers injure or kill bicyclists or pedestrians, current law allows prosecutors to bring charges for trivial traffic infractions or serious (but difficult-to-prove) felony charges. We propose an intermediate step that will get unsafe drivers off the road, be easier to prosecute, and have more severe and appropriate penalties than minor traffic infractions. The bill may include these elements:
 - Provisions based on existing “move over for emergency vehicles” legislation (would require motorists to move over or slow down when encountering a bicyclist or pedestrian).
 - Provisions based on existing “construction work zone” legislation, which include increased fines/penalties/driver license points for striking a bicyclist or pedestrian.
- ◆ **Bicyclist and Pedestrian Harassment:** Bicyclist and pedestrian harassment bill, possibly based on those in SC, CO, and/or Columbia, MO: “unlawful to harass, taunt, or maliciously throw an object at or in the direction of any person riding a bicycle”. SC has penalties of \$200 up to prison time. Bicyclist harassment by motorists is a major impediment to bicycling. Many bicyclists are intimidated. Pedestrian harassment is also a problem. Laws limiting harassment of hunters could be used as a model.
- ◆ **Complete Streets:** Build in the success of the 2011 Complete Streets Resolution by working for the adoption of statewide, regional, and local Complete Streets policies. Complete Streets policies encourage cities, counties, planning organizations, and MoDOT to incorporate planning for pedestrians, bicyclists, old and young users, people with disabilities, transit users, and motor vehicle drivers into the design and construction of all transportation projects (see completestreets.org and the [Missouri Complete Streets center](#)). 2011 Resolution as adopted: [HCR 23 \(Rep. Sally Faith\)](#)

MoBikeFed will supportive other organizations or help take advantage of any legislative opportunities on these issues:

- ◆ **Safe Passing:** Fix technical issues with safe passing of bicycles provision. Include safe passing of pedestrian provision. Expand protection to include passing bicyclists when they are operating on the shoulder. Consider increasing penalties and including 4-foot minimum passing distance. 307.191 4. The intent of this section and section 307.190 is to facilitate the overtaking of slowly moving vehicles by faster moving vehicles. Might also include some other technical corrections such as bicycle box & bike/bus lane language.
- ◆ **Greenway/Trails Districts:** Enabling legislation for multi-county greenway districts (parks/trails/greenways/bikeways). This legislation will allow one or several counties to create a greenway district which could raise funds to build greenways and trails in the district. This exists in the St. Louis region as Great Rivers Greenway District; the Kansas City region is proposing a similar district and other areas of the state are interested as well. The multi-county districts require state enabling legislation and then a vote by the citizens of each county.
- ◆ **Anti-Texting:** Expand the current ban on texting while driving from young drivers to all drivers.

OTHER 2012 PRIORITIES

- ◆ **Comprehensive review/update of bicycle/pedestrian laws,** with members of House Transportation Committee
- ◆ **No Passing on Solid Yellow:** A proposed "no passing" law will force motorists to pass bicyclists unsafely (or just not pass at all) whenever there is a solid yellow "no passing" line. Before this legislation moves forward we want to change this to make it more bicycle friendly. There are many locations properly marked "no passing" for motor vehicles where it is unsafe to pass a vehicle moving at the speed limit but safe to pass a slower-moving vehicle like a bicycle or tractor. The new Missouri passing zone law can and should reflect this reality and should not force or encourage unsafe passing of bicyclists by motorists. *(Law proposed by other groups which MoBikeFed would support with the suggested changes or oppose if those changes are not made.)*
- ◆ **Crosswalk reform:** Require drivers to stop no matter which side of the street the pedestrian is on (by current law, drivers must stop only when the pedestrian is on their half of the road--and this creates a pretty scary situation for pedestrians when they are crossing major roads). Include other measures to improve driver compliance with crosswalks such as increased penalties, points, enforcement, educational programs, or other measures. Clarify that bicyclist must yield to pedestrians in crosswalks, that drivers must stop and stay stopped as long as pedestrians are in the crosswalk, and that all of the above applies both to marked crosswalks and so-called "unmarked crosswalk". *(Similar measure introduced in 2008 by Rep. Michael Brown.)*

RESOLUTIONS/PROCLAMATIONS FOR 2012

- ◆ Governor's Bike Month Proclamation (May) ?
- ◆ Governor's Walk and Bike to School Day/Week/Month Proclamation (October) ?



HIGHEST-LEVEL GENERAL PRIORITIES

- ◆ Driver Responsibility Act: Programs/penalties to reduce
 - ✓ Distracted driving
 - ✓ Cell phone restrictions/ban as well as computers, pagers, Palm Pilots, DVD players, and fax machines. Studies show that cell phone use affects driving as much or more than intoxication. Requiring hands-free phones does not solve the problem: “While many consider holding a cell phone to be a distraction, it is the actual conversation that distracts the driver, according to the researchers”. <http://unews.utah.edu/p/?r=062206-1>
 - ✓ Penalties for fatigued driving
 - ✓ Road rage/aggressive driving

- ◆ **Levee Districts**—improve MO’s current “levee bike path” provision to better encourage the levees to allow public access and trail use

- ◆ Check whether state penalty provision needs to be added to Bike Lane provision, 300.

MEDIUM-LEVEL GENERAL PRIORITIES

- ◆ **Repeat traffic offender bill**--track repeat offenders better, don't allow retrospective changes to driving record, make complete, accurate driving record available to judges at sentencing. Elaine Brady strongly supports. For sample legislation, See <http://www.house.mo.gov/bills03/bills/sb517.htm>
- ◆ School zone speed limit bill
 - ✓ Define school zone.
 - ✓ Create a standard 20 mph limit in school zones.
 - ✓ Encourage creation of standardized signage, markings, etc.
 - ✓ Double fines in school zone
- ◆ A way to get **more funding** or otherwise find ways to encourage more/better enforcement of existing laws affecting safety of bicyclists and pedestrians and better education of police about bicycle/pedestrian issues.
- ◆ Statewide **Safe Routes to School Funding**--perhaps some simple measures that could amplify federal funding and encourage local participation. PedNet is planning to work on this.
- ◆ **Safety/education funding** bicycle/pedestrian issues (such as a small amount with each driver's license, license plate, traffic ticket, or bicycle sold)
- ◆ **Bicycle lanes:** Add a bicycle lane provision, similar to the one in 300.330 RSMO, to Chapter 304. Chapter 300 is a model traffic ordinance which is adopted by some cities. Adding the language to Chapter 304 would make the bicycle lane language apply statewide.
- ◆ **Blind spot responsibility:** If a vehicle hits another vehicle/person/bicyclist in that vehicle's blind spot then the driver who moved into the blind spot without checking it is responsible.
- ◆ **Bus/bike lanes:** Legislation has been proposed for bus-only lanes in Missouri. This should include provision for bicyclist operation as well.
- ◆ **Bike box:** Create language to make bicycle boxes at intersections enforceable. Also look at other new items in MUTCD to see if enabling or enforcement legislation is needed to allow their use where appropriate.



- ◆ **Right hook law:** Despite the law requiring motorists to pass bicyclists at a safe distance there is no specific law requiring motorists to yield to a bicycle in a lane or shoulder when the motorist is turning right . "There is no state statute regarding the duty of a motorist to yield to a bicyclist traveling in the shoulder when making a right turn." See http://www.missouriinjurylawblog.com/2008/02/plaintiffs_verdict_-_st_louis_missouri_bicycle_accident_at_unmarked_intersection_-_failure_to_keep_a_careful_lookout.html

OTHER GENERAL PRIORITIES

- ◆ **Increased driver testing;** include "open book" driver test as part of each driver license renewal
- ◆ **Criminal penalties** for those who injure/kill deliberately or in knowing violation of law
- ◆ **Update Missouri's "highest degree of care" provision** to include both pedestrians and bicyclists so as to conform to the Uniform Vehicle code (MO law includes only pedestrians NOT bicyclists)
- ◆ **Missouri Bicycle Commuter Act** or similar measures to help businesses in encouraging more bicycling, walking, transit use, and other commuting alternatives. Address business concerns about liability for encouraging bicycling, walking, or transit, or providing facilities for their use. Tax breaks or incentives for businesses that provide bicycle accommodations, showers, etc.
- ◆ **Reform discriminatory laws** requiring bicyclists to ride far to the right. Improve the existing law requiring bicyclists to ride to the right, or repeal it altogether, so that the vehicle code requirements for bicyclists and other vehicle operators are uniform. Specifically:
- ◆ Remove the ambiguity around the language, "less than the posted speed or slower than the flow of traffic"
- ◆ Include exception to FTR on a right-turn lane
- ◆ Update "except when making a left turn" to "except when preparing for a left turn".

LONG-TERM OR FUTURE GOALS

Motorist, bicyclist, pedestrian education

- ◆ Regular written driver tests at license renewal time, either every renewal or periodically, every second or third renewal (rather than the current situation, of needing to read the manual/pass the test only upon first receiving a license)
- ◆ Add a curriculum requirement so that bicycle/pedestrian safety education will be taught to every Missouri student at certain key grade levels (for example, 4th/5th grade and 7th/8th grade) and as part of driver education.
- ◆ Mandatory driver education, including techniques designed to improve driver attitudes, before reinstating license of drivers with revoked licenses. First step: laws or policies to promote and encourage these classes for people who need them.
- ◆ Driver's Ed as part of the Governor's virtual online school. This course could be used by those with suspended/revoked licenses as well.
- ◆ Laws/policy to encourage teaching of driver's ed to more Missouri students and, generally, more teaching/education about safe driving principles in the general population.



- ◆ Ordinance similar to that proposed in Chicago, 2008, to increase penalties for: turning right or left in front of a bicyclist; passing a bicyclist with less than three feet of space; double parking in a marked shared lane and opening a door into the path of a bicyclist; parking or driving in a bike lane.
- ◆ Anti-littering, including roadside cleanup campaigns and campaigns to recycle glass and reduce broken glass on the roadways.
- ◆ Ban on very dark tinting of automobile windows, or better enforcement of current law. Dark tinted windows make visual contact and identification of drivers more difficult.

Keeping bad drivers off the road

- ◆ Vulnerable Roadway User legislation similar to that passed recently in Oregon. <http://www.stc-law.com/vulnerable.html>
- ◆ Policies/laws/enforcement needed to keep those with revoked and suspended licenses off the road. Drivers with revoked or suspended licenses represent only 14 percent of Missouri's licensed drivers but caused about 25 percent of the city's fatal wrecks in which a driver was found at fault. See <http://www.kansascity.com/mld/kansascity/15762059.htm>
- ◆ More solutions for those with suspended/revoked licenses to give them alternatives to driving--transit, carpool, support on learning to live without driving, help in finding alternatives, bike/ped education and training.

Amtrak

- ◆ More bicycles allowed on each Amtrak train/allowing bicycling groups to use Amtrak with reservation.
- ◆ Funding for upgraded equipment for Amtrak to better and more safely accommodate bicycle transport.
- ◆ Inclusion of bicycle accommodations (racks, storage areas, etc.) in any new or upgrade Amtrak equipment.

Trails, parks, funding

- ◆ Enabling legislation for funding for bicycle and pedestrian facilities, trails, and/or greenway districts around the state similar to St. Louis Great Rivers Greenway district.
- ◆ Create a DNR policy that permits velotourists to camp at state parks even if all sites are filled, say in picnic areas, group campgrounds or near trailheads. (Some states have this policy.)

Highway and road construction, maintenance, funding

- ◆ Equity for Missouri in Federal Highway funding formulas
- ◆ Highway funding in Missouri at needed levels; emphasis on routine maintenance of existing highway/road system above building new projects.

Heavy truck safety

- ◆ Laws to improve visibility/reduce blind spots in large trucks. With video cameras nowadays blind spots can be pretty much eliminated by there is no requirement to do so.



- ◆ Laws to require underride protection on heavy trucks. See for example http://www.autosafetyexpert.com/defect_truckunderride.php?middlepage=defect_truckunderride.php&pagetitle=TRUCK%20UNDERRIDE%20HAZARDS
- ◆ Create legislation that would allow bicycle facilities within interstate right of way if separated from motor vehicle traffic. Model could be Ohio Code, Section 4511.051: allows bicycle paths to be constructed within freeway right-of-way on a "facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use."

Clarify/improve Missouri's bicycle laws

- ◆ Clarify basic bicycle law in Missouri (following model of Ohio)
- ◆ A statute for bicycle regulations similar to the one by which they preempt firearms regulation. RSMo 21-750 says, "The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void"
- ◆ Clarify the status of electric-assist Rhoades Cars (4-wheel motor-assist bicycles). Right now they do not seem to clearly fall under the motorized bicycle regulations (limited the three wheels) or the low speed vehicle laws (require VIN & other federally mandated things.) Simply allowing mopeds to have two front/two rear wheels like the bicycle definition would solve the problem.

low speed vehicle:

<http://moga.mo.gov/statutes/c300-399/3040000029.htm>

The definition it mentions is here:

<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=571.3>

And 571.500 mentioned, is here:

<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=571.500>

- ◆ Clarify existing definitions and laws regarding electric bicycles. Missouri does not have a separate definition for low-power electric bicycles--they would seem to fall under the definition of moped.

In Texas they use this definition:

Sec 541.201 (24) "Electric bicycle" means a bicycle that:

(A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;

(B) cannot attain a speed of more than 20 miles per hour without the application of human power; and



(C) does not exceed a weight of 100 pounds.

- ◆ Regulate local bicycle-related laws and bicycle bans (as in Ohio). MO's current RSMO 79.410 says, "The board of aldermen may . . . regulate, prevent and punish for the riding, driving, leading, standing, hitching or passing of horses, mules, oxen or other teams or stock or animals or any vehicle over or upon or across or along any sidewalk, street, avenue or alley of the city." We believe Missouri traffic laws, including those laws affecting bicyclists and pedestrians, should be consistent throughout Missouri. City, county, and state traffic law should be consistent with national best practices and designed to promote safe and equitable access to the road network and to all necessary destinations for all forms of travel. For this reason we support reducing the breadth of RSMO 79.410 and similar passages in Missouri law, which grant cities and other governmental bodies an overbroad right to regulate travel and create traffic laws that may be inconsistent with prevailing practice or contrary to the public safety. In particular some cities in Missouri ban bicycle travel in certain areas when it is not warranted by the need to protect the public safety. Lawson, Cabool, and Marshall, Missouri, all ban bicycling in certain portions of their downtown areas.
- ◆ No driver license points for bicycle offenses (as in Ohio)
- ◆ Update Missouri's "distance at which vehicle must follow" law to allow bicycles to ride in groups and pacelines as they ordinarily do. There have been no reports of specific difficulties with Missouri's current law, which allows for a considerable degree of judgment and latitude; since bicyclists common operate in groups and pacelines with a high degree of safety a strong argument can be made that doing so is both reasonable and prudent. However, a possible update is this:

304.017. 1. The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles, except bicycles, being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. Operators of bicycles being operated upon any roadway outside of a business or residence district in a group or paceline shall operate, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such bicycle or group of bicycles as to enable any other vehicle to overtake or pass such bicycles in safety. This section shall in no manner affect section 304.044 relating to distance between trucks traveling on the highway.

- ◆ Add clarification to basic bicycle law: "This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so."
- ◆ Regulate local bicycle-related laws, requiring them to be fundamentally consistent with the uniform rules of the road. Prohibit local authorities from requiring that bicycles be operated on sidewalks.



- ◆ Prohibit "points" being assessed against a driver's license for offenses committed on a bicycle except for "operating under the influence".
- ◆ Allow a court to require a "bicycling skills course" for bicycle related offenses, including where a motorist "In the case of violations of traffic law by bicycle operators or that involve motorists endangering cyclists, the court may permit demonstration of successful completion of a court approved cycling knowledge course in lieu of or in addition to a fine or other penalty."
- ◆ Add a section to specifically allow the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.
- ◆ Disallow scooters in bicycle lanes. Currently "motorized bicycles" are allowed in bicycle lanes, and this includes 49cc vespa-style scooters which are considered "motorized bicycles".
- ◆ Simplify/clarify bicycle reflector/lighting/brake requirements. Sample language:
 - (A) Every bicycle when in use at the times specified in section XXX RSMo, shall be equipped with the following:
 - (1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front and three hundred feet to the sides. A generator powered lamp, which emits light only when the bicycle is moving, may be used to meet this requirement;
 - (2) A red reflector on the rear [deletions] that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;
 - (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. If the red light performs as a reflector such that it is visible as specified in (2) above, it shall satisfy the requirement for the reflector.
 - (B) Additional lights and reflectors may be used in addition to those required under part (A) above except that red lights and reflectors shall not be used on the front of the bicycle nor shall white or colorless lights or reflectors be used on the rear of the bicycle.
 - (C) Every bicycle shall be equipped with an adequate brake or brakes which will enable its driver to stop the bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.
 - (D) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

NEW OR SUGGESTED IDEAS THAT NEED TO BE EVALUATED AND PRIORITIZED

- Every year media reports carry recommendations from defense attorneys who state that property owners who clear sidewalks of snow and ice create liability for themselves and the best action from a liability standpoint is to simply leave sidewalks alone and don't attempt to clear them. Proposal is to **create a safe harbor type provision so that if property owners make a**



good faith attempt to clear sidewalks of snow they are at no higher risk of liability, or perhaps even at lower risk, than if they had left them alone.

Background. Typical quote: "But in some cases, he says, the property owner may be less liable leaving snow and ice untouched. If you do absolutely nothing, and somebody falls on your property, you're not on the hook for it normally," Brown said, "And the reason being, there's something called 'assumption of risk.' If you walk on somebody's property, and you know it's icy, you know it's snowy, and you fall, you assume the risk of going on said property."

<http://knox.cbslocal.com/2010/12/16/ice-storm-tumbles-ring-phones-of-personal-injury-lawyers/> Analysis: <http://mobikefed.org/node/3727>

- Legislation to address the issue of motorists with bicycle racks installed receiving tickets when the racks or bicycles block license plate visibility.

PREVIOUS MOBIKEFED LEGISLATIVE PLATFORM PLANKS THAT HAVE BECOME LAW OR POLICY

2011

- ✓ **Complete Streets:** A Missouri Complete Streets resolution, HCR 23, passed 2011.
- ✓ **Bicycle & Pedestrian Holidays on state holidays calendar (Bike Month, Bike to Work Week, Walk to School Day/Month/Year).** SB 180 passed, 2011.
- ✓ **"Same Roads - Same Rights" specialty license plate (for motor vehicle)** - Approved by the Joint Transportation Committee, 2011.

2010

- ✓ Complete Streets Resolution passes House of Representatives
- ✓ Governor declares Bike to Work Week
- ✓ Governor declares Walk and Bike to School Month
- ✓ General Assembly passes \$1 million appropriation for the Tour of Missouri

2009

- ✓ Ban on texting while driving passed; applies only to young drivers
- ✓ Dead Red law: Allowing motorcycles & bicycles to proceed through a red light after waiting a certain period that makes it obvious the motorcycle/bicycle is not triggering the traffic signal. This addresses a situation commonly faced by bicyclists, where the traffic signal simply will not change because the equipment does not recognize a bicyclist as it should.



- ✓ License plates - a new law creates a system for us to apply for a Missouri "Share the Road" license plate that will raise funds for bicycle-related education/outreach; we will apply soon.
- ✓ "No passing on solid yellow line" law disadvantageous to bicyclists and pedestrians was stopped and did not move forward in 2006, 2007, 2008, and 2009 (we opposed the law as written and proposed a more bicycle-friendly compromise, which was accepted; we are happy to see it move forward in the bicycle-friendly compromise version or simply stall and not move forward at all)
- ✓ Equestrian Trail Bill--we were able to stop a version of an equestrian trails bill that would have been very disadvantageous to bicyclists, hikers, walkers, runners, and other pedestrians who use trails, and support a version of the bill the encourages development and maintenance of equestrian trails while have no negative effects for bicyclists and pedestrians.
- ✓ Bike Month resolutions in House & Senate, Governor's Proclamation for Bike to Work Week

2008

- ✓ Bike Month Resolution and Governor's Proclamation
- ✓ Walk/Bicycle to School Month/Day Resolution
- ✓ \$18 million from AmerenUE settlement for Katy Trail Connection to Kansas City appropriated to DNR; construction on the Katy Trail Connection can now move forward

2007

- ✓ A measure to encourage recreational trails/mountain biking trails in state parks and conservation areas (as proposed by Rep. Sutherland in 2006)
- ✓ Bike Month resolution
- ✓ Tour of Missouri Month proclamation & resolution

2006

- ✓ Clutch's Law—increased penalties & driver license points for those who fail to yield right-of-way and cause an accident

2005

- ✓ Allow right turn signaling with the right arm; allow intermittent signaling when arms/hands are needed to control bicycle
- ✓ Regulate bike lane usage
- ✓ Clarify that bicyclists riding on the road shoulder is not illegal
- ✓ Update the definition of a bicycle to include tricycles and quadracycles



- ✓ Safe passing provision for motorists passing bicyclists

2004

- ✓ Legislation to address liability concerns of landowners adjacent to trails

1995

- ✓ Sidepath law: Repeal the law that required bicyclists to ride on path adjacent to road if such a path is available
- ✓ Improve, clarify, and update Missouri's basic bicycle law

