

Gutter-Monkeys Take Center Street: New Bicycle Safety Laws Tested Across The Valley

by Janet Manley

The cyclist, long enamored with his motorless locomotive, is now a protected species under Colorado law. Derided by some motorists as a nuisance that doesn't belong on the road, *Senate Bill 09-148*, effective August 5, 2009, is the latest step toward gearing a safer city for cyclists. The impact of the bill, which elucidates appropriate motorist and cyclist behavior, is beginning to be seen across the Valley, as children, commuters and athletes assert their presence on the roads.

The bill, signed publicly by Governor Bill Ritter on May 11 at a cycling event at Elephant Rock in which he participated, provides provisions for cyclists to ride two abreast, for passing motorists to cross the center line, and for cyclists to ride only as far to the right as is reasonable, so as to avoid hazards. Motorists are required to leave a three-foot buffer when passing a cyclist, and threatening or careless driver behavior, including throwing projectiles at a cyclist, is designated as a misdemeanor. Cyclists are also permitted to ride on the left-hand side of a one-way street, to mitigate the hazard parked buses and taxis present on the right.

Advocacy Increases

Legal Protection Of Cyclists

According to the *National Highway Transit Safety Association* (NHTSA), Colorado has averaged eight cyclist deaths per year over the past 15 years. Nine cyclists have been killed on Colorado roads this year. The bill was campaigned for by *Bicycle Colorado*, and supported by a slew of bicycle advocacy groups, including *BikeDenver*, who collaborated with the *Department of Motor Vehicles* to amend the *Drivers' Manual*. RTD has held training sessions for its bus drivers on the new law, and the Colorado District Attorneys' Council will include in-



Traveling Public: While most of the feedback on the new bike laws has been positive, Rep. Randy Baumgardner voted against the bill because of concerns for the safety of the traveling public.

formation in its annual law enforcement update training.

Media coverage of the legislation has been positive according to BikeDenver President Gary Rossmiller. "I think that the level of awareness is getting better. The adjustment to cycling as an efficient alternative to the car is an ongoing effort." An avid cyclist who has experienced motorist hostility first-hand, Rossmiller once had a bottle thrown at his head as a pedestrian. "So I guess it's still legal to throw things at pedestrians," he jokes.

Local bicycle attorney Brian Weiss believes the law will provide causes of action that would otherwise be unavailable to a cyclist in legal proceedings, and expects claims under the new law to be forthcoming.

"After a man I represented was hit by a

car, the insurer for the car made a claim against my client for \$3,000 in damage to the car. Although the new law was not yet in effect, I argued that drivers should give three feet to cyclists to be safe. The case eventually settled in a favorable manner for my client."

A spokesperson for Gov. Ritter says feedback on the law has been positive, especially with the return of students who are biking to school at summer's end.

"The new laws have also increased awareness that bicycles have the same rights to public roads as other vehicles," the spokesperson said.

However, Rep. Randy Baumgardner of Hot Sulphur Springs voted against the bill primarily because of concerns for the safety of cyclists and the traveling public.

"You can't break a law like crossing a double yellow line for one type of transportation and not another," he said. "And the law states that cyclists only have to ride as far to the right as is reasonable, so you could have them three feet from the center line."

Rep. Baumgardner, a cyclist himself, agrees that finding a solution for mixed-modal travel is difficult. "Money's a huge thing. I think somewhere down the road we're going to have to find some money for more bike paths and infrastructure."

Bike Law For Wheelmen Still Contentious

Bicycle law dates back to the 1880s, when cyclists, then known as "wheelmen," campaigned for and won the right to share the road in the U.S. In 1968, international law recognized a cyclist's right to the road in the Vienna Convention on Road Traffic.

However, antagonistic behavior on the road is an everyday occurrence for Cherry Creek cycling aficionado Kevin Kilgore, who keeps his training rides "where the difference between my speed and the speed of cars is small," primarily in the foothills where pitch and windy roads inhibit fast driving.

An amateur athlete of high standing, Kilgore has cycled in Colorado for 20 years. "I'd say we're moving away from a cyclist-tolerant town toward a cyclist-friendly town — but we're not there yet." He puts down his survival to defensive cycling, patience and risk-minimization.

"I choose my routes very carefully, or I wouldn't be here at 55," he says. "We treat every ride as an opportunity to educate someone — a fellow cyclist or motorist. We police our own."

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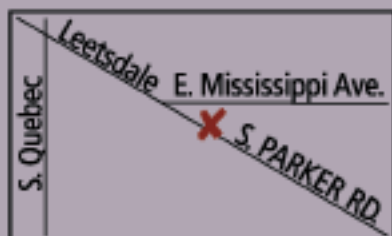
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The New Bicycle Laws

Courtesy of Brian M. Weiss, Esq.,
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PASSING

The law gives drivers more flexibility to safely pass a bicyclist by allowing them to cross the centerline when it is safe to do so.

LANE POSITION

The law gives bicyclists the ability to ride as far right as is safe. Also, on one-way roads with more than one lane, bicyclists may also ride as far left as is safe.

MORE THAN ONE RIDER

The law clarifies that bicyclists may pass one another or ride side-by-side if they are not impeding the normal flow of traffic.

ANTI-

HARASSMENT

The law makes throwing any object, such as a beer can, at a bicyclist a misdemeanor or crime, and also makes driving toward a bicyclist in a dangerous manner a careless driving offense.



and motorists can seem petty, with frequent jostling at traffic lights, the ramifications of a cyclist-automobile altercation are serious. Most recently, a Jefferson County public defender, Rex Heygi, was struck in a hit-and-run incident on an I-70 ramp by an insurance attorney, leaving Heygi in critical condition. Jeffrey Detlefs was later identified as the motorist from a license plate that fell onto the road during the impact and charged with reckless driving, leaving the scene of a crime, and child abuse (his children were in the car at the time).

"We inconvenience people," says Kilgore of cyclists. "We slow [cars] down, but we're at their mercy. I know a lot of people who've been hit."

Cycling-advocate and author Tom Vanderbilt blames modal bias for the conflicts on-road. Whichever mode of transport you use, he says, you are sympathetic to that mode. Kilgore agrees, "Everyone should have to ride a bike for one day to understand." In Iowa, a petition was circulated in August to ban cyclists from rural roads. The petition has no grounds for implementation.

Local recreational cyclist Thomas Roark has little tolerance for on-road shenanigans perpetrated by drivers annoyed by cycling traffic. "It's funny to taunt a cyclist and push them into the gutter until you accidentally kill them. It's a 20 pound bike versus a 4,000 pound car," said Roark.

Do Cyclists Flout The Rules Of The Road?

One of the hot button issues for motorists is the incidence around town of cyclists running through stop signs and red traffic lights. In Idaho, the "Idaho-stop" is a rolling yield acceptable for cyclists at stop signs. In Colorado, cyclists must obey the law to be protected by the law, so to speak. However, it is possible to come to a complete stop without putting their feet on the ground. Known as a "trackstand," cyclists balance their bike while waiting for cross traffic to clear. Says cycling blogger CycleDog, "Some motorists think these cyclists are taunting them or daring them to go ahead, as if entering the intersection is a game of chicken, but the practice allows the cyclist to get moving again just a little faster."

Other cyclists report that they often treat empty intersections as a yield, and that traffic lights don't register their presence

without a car present, and they are forced to stop, and then ride through the red light, provided there are no cars in the area.

According to Sergeant John Hahn of the Colorado State Patrol, while compliance with the new laws may be immediate, crash data is unlikely to reflect the positive impacts of the law for some time, and notes that an effort from both cyclists and motorists is needed to ensure its success.

"What is important to remember is that it is incumbent upon everyone using our roads to do so safely. Whether in a motor vehicle or on a bicycle, we all have the responsibility to follow the law and to be mindful of others using our roads."

Holier Than Thou?

While Denver and Glendale haven't yet made the *League of American Bicyclists* "Bicycle Friendly Community" list, nearby Boulder, Arvada and Lakewood all feature in the ranks. A common complaint in the Boulder area is the moral superiority exhibited by certain cyclists.

"I've heard about it," says Roark, "The 'holier than thou' attitude of cyclists who push their way around the roads."

Witness to arrogant riders, Kilgore notes that "as in anything, one percent of the population do the rest of us [cyclists] wrong, and get in the way of traffic."

Preaching To The Criterion?

Motorist Elizabeth Marchesi, who commutes to Cherry Creek, says she is aware that the laws were implemented, but that she was unsure of the exact rules.

For Marchesi, co-existing with bicycles was not a problem prior to the legislation. "Occasionally the kids on bikes make it difficult, but for the most part it's all good." She says. "In my neighborhood, they seem very law abiding, traveling in the correct lanes and using hand signals."

Kilgore suggests that those who are cognizant of the law are likely not the motorists who need an education. "I don't think the laws will make much difference. Those who were always courteous to bikes will still be courteous."

Executive Director of *Bicycle Colorado*, Dan Grunig, says awareness is just one aspect of cyclist safety. "The next step is building complete streets that create a safe environment for all the people using the road regardless of their mode choice."

Presence Means Awareness

Regardless of the psychological inclination of road-users, studies show that the more cyclists you have using roads, the incidence of collisions actually reduces, points out Grunig.

"This is the opposite of what happens

when you add more cars to the road. This decrease in crashes is attributed to the increased awareness motorists gain by more awareness of non-motorized road users," he notes, citing the Peter Jacobsen study published in the *Injury Prevention Journal*.

Organized road rides are required to pay for state trooper support, expressly for the purpose of alerting motorists to the presence of cyclists. Bicycle Colorado this year launched a new initiative, the *Share the Road* campaign. Through purchasing a "Share the Road" license plate for their car, a cyclist makes a significant donation to education and road maintenance funds.

"Through this program, bicyclists have voluntarily contributed more than \$150,000 to the state road system and \$75,000 to road safety education," says Grunig.

For longtime commuter and one-time tourer between Seattle and Denver, Danielle Pruette, the law is a nice buffer and makes riding through the Cherry Creek corridor even safer.

"I find that as long as I obey the rules (with the exception of stop signs and traffic lights) I get along just fine. The only time there is a problem is when the people in cars try to avoid you or get nervous and do something stupid. As long as cyclists and drivers do what you expect them to do no one should get hurt."

According to Kilgore, the new laws allowing both cyclists and motorists to adjust their behavior, is a great step toward solving the problem of multi-modal transportation — particularly being able to legally ride two-abreast where there is room to do so.

"When we ride side-by-side, we solve all the world's problems," he said.

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A Furry Friends Food Drive is being held at South High School on Sept. 12 from 8 a.m. to 4 p.m. The event will collect pet food to help Valley families who can no longer feed their animals. The food will be distributed through the Food Bank of the Rockies. Information: 303-371-9250, ext. 219.