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## **TESTIMONY**

To: The Honorable Richard Proehl, Chair  
And Members of the House Transportation Committee

From: Gina Poertner, CHES  
President, KanBikeWalk, Inc.

Re: HB 2068 - An Act regulating traffic

Date: February 5, 2015

Mr. Chairman and Members of the House Transportation Committee:

Thank you for the opportunity to present testimony in support of HB 2068. I am Gina Poertner, President of KanBikeWalk, a non-profit organization whose mission includes encouraging and inspiring active transportation lifestyles, active communities, tourism, and respect for all roadway users.

Today I arrived in my car. Some days I prefer to travel by bicycle. Motor vehicle ownership is very common among Kansas citizens who use their bicycles to travel to their destinations. There are Kansas citizens who do not own vehicles either by choice or by circumstance, therefore, these citizens use bicycles for the majority of their transport needs for work, shopping, and errands.

Under the current multi-use path regulations, a bicyclist is provided the same rights and responsibilities as a motor vehicle for riding on the roadway. In that same set of regulations it is stated that cyclists are not to be on a road, but on a paralleling "useable path," very few of which exist currently in our state. This is conflicting and prejudicial towards bicycles over other forms of roadway traffic given that cyclists are legally afforded the same rights and bound by the same responsibility to traffic regulations as motor vehicle users. It is also more dangerous because this current language forces a cyclist to move in and out of traffic to take a path for a short way which is less safe than maintaining a practical and more consistent position on the roadway. The proposed striking of language provides safety and continuity to all roadway users.

Most side paths do not align with a needed route for more than a few blocks since they are generally designed for multi-modal recreational use rather than as true transportation venues. In 1989, the Kansas Supreme Court ruled that the sidepath requirement is in force only when the path in question is for the exclusive use of bicycles. *Schallenberger v. Rudd*, 244 Kan 230, 767 P2d 841 (Kan 1989). Since there are very few venues of this type existing in Kansas, the language in K.S.A. 8-1590 is no longer functional given current rights, responsibilities, and traffic infrastructure legally afforded to bicycles. Instead, it provides confusion and difficulty for all roadway users and Law Enforcement. An example of this confusion is that a sidewalk is commonly interpreted as a "useable path" for a cyclist. Many city ordinances deem it unlawful for a bicycle to be used on a sidewalk. In turn, the current language creates additional confusion when people travel from city to city whether by motor vehicle or bicycle. Consistency is needed throughout the state. Most states have eliminated mandatory sidepath laws. Nebraska is currently working on similar legislation, LB 39.

It is our responsibility as leaders to educate our citizens and enable our communities to foster active transportation. By updating this statute to reflect the current infrastructure and infrastructure in progress, we will provide:

- Increased economic benefit to businesses and shopping areas by removing conflicting regulation of bicycles.
- Decreased ambiguity for Law Enforcement officials as well as citizens in the interpretation of what constitutes "useable path."
- Increased safety to all Kansans who use active transportation for work, shopping, school, and recreation.

My professional work as a Physiologist and Health Education Specialist directly involves helping people to live active, healthy lifestyles which leads to higher productivity and a stronger economy for our state. As a motorist, as a cyclist, and as an advocate for the safety of all roadway users, I ask the Committee for favorable passage of HB 2068.

Respectfully,



Gina Poertner, CHES  
President, KanBikeWalk, Inc.

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