

**TESTIMONY**

**HB 2068**

**An Act regulating traffic; concerning bicycles; path usage.**

**Karen Hiller, Councilwoman, City of Topeka  
Chairperson, Topeka Bikeways Advisory Committee**

**House Transportation Committee**

**February 5, 2015**

Chairperson Proehl and members of the Committee, thank you for the opportunity to address this subject. I speak in support of HB 2068.

To start with, I should share with you that the City of Topeka deleted this section from its STO starting last year. Our legal staff supported that action. The police supported it. We researched and learned, with the assistance of KDOT staff, that the Kansas Supreme Court's decision in Schallenberger v. Rudd in 1989 pointed up the confusion in language, ruling that "usable bike path" meant only those paths set aside for the exclusive use of bicycles, yet the State had never corrected or deleted the phrase. After extensive inquiries about usage and experience, we were only able to turn up that this section was never used – except maybe once in the 1980's when it was misused, obviously.

If we can back up a bit.....let's imagine you are in your car. You are driving down the road and a cyclist is going your way, riding along the right-hand side of the lane ahead of you. To your right, you can see a wide sidewalk, with runners and walkers with headphones, or parents with strollers and kids and dogs, or maybe a child on a scooter or a senior strolling. That wide side path is nice, but it only parallels the road for six blocks. A person pulls past you, up to the bicycle and yells out the window to the cyclist, "Hey, you.....get off the road. You should be on the sidewalk!"

Is that driver right?? If you are the driver....or the cyclist....or an onlooker....or a law enforcement officer.....you might go and look at the law. You would be confused. It says "Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and not use the roadway." You would wonder.... Does that mean any path that a bicycle could go on? Or any path that is just for bicycles? You shouldn't have to check a Supreme Court ruling to find out. And, do we have any paths that are exclusively for bicycles at this time in Kansas? We are not aware of any.

Our conclusion? When in doubt, leave it out. It is legal for bicycles to be on roadways and on sidewalks. There are rules for both. This line adds nothing ....and creates confusion.

This proposed change has been on KanBikeWalk's statewide agenda for some years, as we understand it. The proposal this year was advised by our Topeka Bikeways Advisory Committee, a group composed of commuters, recreational riders and family riders and was proposed in its legislative agenda by the Topeka City Council.

It is important to us that this correction be taken care of in this legislative session because we are gearing up to install \$1.6 million in marked bike routes this year, 2015, and another \$300,000 in 2016. We as a community know that we need to do education, and are gearing up for it through events, public service announcements which our police department will do, local media, work in schools and with partners and more. We are also committed to encouraging law enforcement to ticket both cyclists and motorists who disobey the rules of the road, for the safety of all. To do that well, we need all of the laws as meaningful and clear as they can be. We have taken care of everything we can find at the City level, and we are asking you to make this one change at the State level.

Truthfully, we thought this proposal was a no-brainer. We respectfully recommend that you advance this proposal as presented. If there are questions in your mind, as a committee I would respectfully request that you activate the issue, in whatever way it is that you committees do that, and we will be happy to work on it further.