

Amid cycling boom, penalties for errant drivers remain light

By Scott McFetridge, AP

When Iowa's largest city joined the boom in urban cycling, work crews painted more bike lanes, erected traffic signals especially for cyclists and installed rental bikes at self-service stands that catered to commuters and tourists alike.

In Des Moines and scores of other U.S. cities, the efforts drew bike riders onto busy streets that were once the sole province of cars and trucks. The changes also heightened the risk of serious collisions like the one that threw Ken Sherman from his bicycle with such force that his body tore off the vehicle's side mirror.

Cyclists are frustrated that the growing support for two-wheeled transportation has only rarely led to tougher penalties for drivers who hit bikes, many of whom are never ticketed or receive only minor citations, even in accidents that permanently disable or kill cyclists. The motorist who hit Sherman was deemed to be at fault but was never charged with any wrongdoing.

"I was upset and outraged," said Sherman, who suffered a punctured lung and broke his shoulder blade and collarbone. "I've wanted to get my arms around the laws we have and how they're being enforced."

After his 2009 crash, he joined a bicycling association and began lobbying the Iowa Legislature for changes.

Concerns about cycling safety have risen along with ridership. Bicycle commuting nationwide climbed 62 percent from 2000 to

2013, according to a census survey. In cities such as Chicago, San Francisco and Washington, it shot up by more than 300 percent.

Studies show that having more bicyclists on the road can actually improve overall safety by making motorists more aware of riders. But the increase in cycling has coincided with a 6.6 percent rise in injuries from car-bike crashes and a 1.5 percent increase in deaths between 2001 and 2013, according to the National Traffic Safety Administration. In 2013, 743 cyclists died in crashes with cars, and an estimated 48,000 cyclists were injured.

Nearly 40 states have laws requiring passing motorists to give bicycles at least 3 feet of space, and at least six offer special protections to cyclists and pedestrians. But few have backed up those laws with stiff fines for violators.

That means even though it's illegal for passing motorists to get too close to bicyclists in most states, violators face only small penalties, such as California's \$35 fine, which can rise to \$220 if the bicyclist is injured. The penalty is the same in Virginia. A first offense in Wisconsin can range from \$20 to \$200.

Minnesota last year became one of the few states to significantly stiffen the penalty for motorists who hit cyclists, with passage of a \$3,000 fine, but prosecutors must prove the driver was acting carelessly when the cyclist was killed or seriously injured. For simply passing too close, the fine remains small.

Dorian Grilley, executive director of the Bicycle Alliance of Minnesota, said he's heard of only one person being ticketed for the offense in the past 25 years.

A driver was cited for driving without insurance after he hit David Wuest in St. Paul, Minn., knocking him to the pavement and causing a brain injury that has left Wuest unable to work

nearly two years after the April 2014 crash. An investigation determined that the motorist was at fault, but since he was not under the influence of drugs or alcohol, the driver only had to pay a small fine.

Wuest, of Minneapolis, said higher penalties could lead some motorists to be more careful around cyclists, but he thinks crashes will happen as long as bicycles travel so close to cars. He's resumed riding but only on bike paths.

"I assume people don't want to hit cyclists," he said, "but it keeps happening."

Dave Snyder, who leads the California Bicycle Coalition, said bicyclists are injured and killed so often that it seems normal. Although he said he's appalled that motorists who hit cyclists usually don't pay significant penalties, his group is more focused on creating separation between bikes and cars.

Gov. Jerry Brown has called for funding changes to roadways to protect cyclists, and Snyder said that could save far more lives than prosecuting motorists.

"Those cases of drivers not being charged are outrageous, but fixing that problem is not the most important problem," he said.

Robin Stallings, executive director of the group Bike Texas, took a similar view, saying laws should be toughened and more motorists prosecuted for hitting bicycles, but that may never happen. It's more likely, he said, that local and state governments will build protected lanes for cyclists so they're less vulnerable.

Jeff Gray was severely injured and a friend killed on a sunny morning in 2014 when a van hit them on a rural road in western Iowa. The driver, who said he didn't see the bikers, paid a \$2,400 fine.

People need to be more aware of the number of cyclists injured and killed in such crash, Gray said.

“They don’t understand they’re racing past someone going 10 mph. They don’t understand it,” Gray said. “I don’t think people even think about it.”