



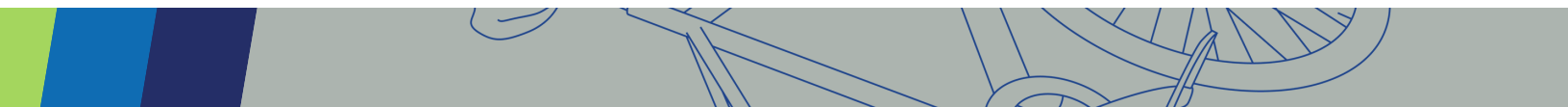
**IOWA
BICYCLE
COALITION**



**IOWA BICYCLING
ACTION FUND**



2023 LEGISLATIVE PRIORITIES



REQUIRE VEHICLES TO CHANGE LANES TO PASS BICYCLES

The Iowa Code, Iowa Supreme Court Ruling, Iowa Attorney General opinions, and the Iowa Driver's Manual echo the same sentiment: Change lanes to pass bicyclists. As of July 2018, 32 states and the District of Columbia have enacted laws requiring motorists passing bicycles to leave 3 feet of space or more between them. Two states have laws that go beyond 3 feet. Pennsylvania has a 4-foot passing law. South Dakota enacted a two-tiered passing law in 2015. It requires vehicles to leave 3 feet for passing bicyclists on roads with posted speeds of 35 mph or less, and a minimum of 6 feet on roads with speed limits greater than 35 mph.

One relatively new refinement to safe passing laws is to require a motorist to completely change lanes when passing a

bicyclist. Five states— Delaware, Kentucky, Oklahoma, Washington, and Nevada—currently require this. We feel changing lanes to pass people riding bicycles increases the safety of bicyclists on the road.

An Iowa Poll in January of 2016 showed 75% of Iowans support changing lanes to pass bicyclists as a law. Yet, studies at the National Advanced Driving Simulator (in Coralville, Iowa), 85% of motorists studied in simulations do not change lanes to pass bicyclists. Further, the lateral distance between a passing car and bicyclists was shown to decrease based upon the age of the driver. Drivers seem to have difficulty determining what actual lateral distances are when moving down the road.

steady line.

Common signs of bicyclist inexperience may include:

- riding near the gutter;
- swerving unpredictably;
- ignoring traffic signs and signals; and
- riding without a light at night.

If you see these signs, be ready for any sudden movements by the bicyclist.

Give bicycle riders the room they deserve and need for safety. When passing a bicycle rider, pass as if the cyclist were a vehicle and move into the other lane. On narrow, two-way roads, wait for a break in traffic before passing. Do not pass if oncoming traffic is near. After passing, cautiously return to your lane - a bicyclist could be in your blind spot. Do not honk your horn or flash your headlights at bicyclists. They may be startled and lose control. Bicycles often travel nearer the right edge of a traffic lane. However, they may swerve to avoid road hazards such as potholes, glass debris, drainage grates, or a strong crosswind.

Pedestrians

Even though you are walking, not driving, you are still subject to traffic laws. You have the same responsibility to obey traffic laws as do motorists.

Motorists should yield to you in marked crosswalks, but do not bet your life on it! Watch out for yourself. If you cross the street anywhere but at a crosswalk, you must yield to motorized traffic.

Jaywalking and dashing across intersections could be the end of you. Of every five people killed in a traffic accident, one is a pedestrian.

If you must walk where there is no sidewalk, walk on the left side of the street facing the oncoming traffic. At night wear light colored clothes so you can be seen easily.

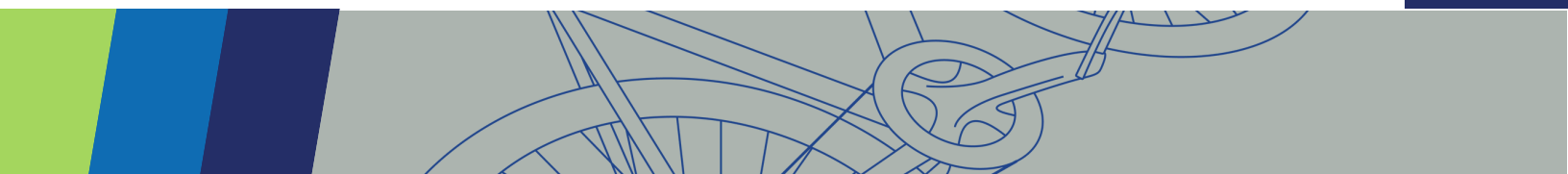


Driver Responsibilities

As a driver you must

Iowa Driver's Manual, page 36

<https://iowadot.gov/mvd/driverslicense/dlmanual/dlmanual.pdf>



While we believe the code supports the concept of changing lanes to pass other vehicles, there is confusion around changing lanes to pass bicyclists. In addition, a clear statement in the Iowa Code could provide clarity in insurance disputes, driver's education, and public opinion.

Language:

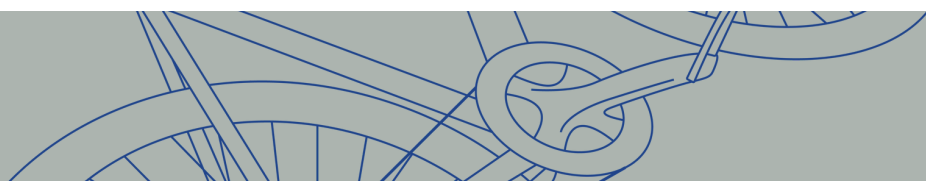
§321.299 ADD New Section: 3. The driver of a motorvehicle overtaking a person riding a bicycle proceeding in the same direction on a highway shall pass to the left thereof on the opposite side of the highway or adjacent travel lane and shall not again drive to the right side of the roadway until safely clear of the overtaken bicyclist in accordance with §321.281. Bicycle lanes and paved shoulders are considered adjacent travel lanes for the purposes of this passage.

Resources:

<https://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>

<https://www.ncsl.org/research/transportation/state-safe-bicycle-passing-laws.aspx>

<https://www.cato.org/publications/research-briefs-economic-policy/give-me-3-do-minimum-distance-passing-laws-reduce>



RIGHT-HAND RIGHT TURN SIGNAL FOR BICYCLISTS

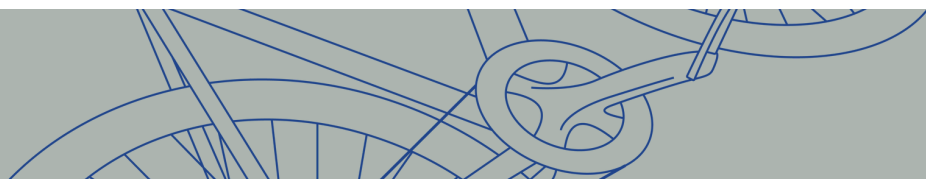
Iowa Code requires hand signals to be performed from the left side of the vehicle, therefore using the right arm to point to the right is not allowed for a right turn signal. The Uniform Vehicle Code allows an exception for bicyclists to use a right-hand right turn signal.

Need:

A critical problem for bicyclists is the failure to recognize turns. While the left hand extended upward is common, it is difficult for children to remember and use. It is more intuitive to teach using your right arm to point in the direction you are intending to turn.

Language:

§321.318(2) AMEND to read: Right turn – Hand and arm extended upward or bicyclists may use right arm extended.



PASS THE INVEST IN IOWA ACT AND FUND TRAILS AT THE ORIGINAL FORMULA

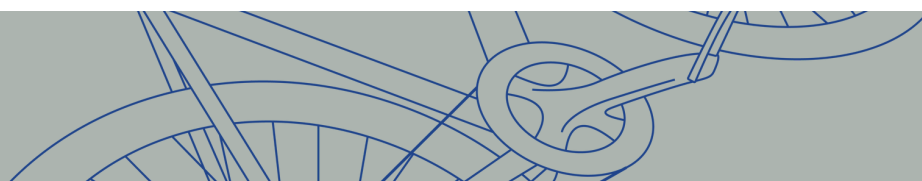
The Natural Resources and Outdoor Recreation Trust Fund should be funded with a sales tax increase contained in the Invest in Iowa Act. Iowa Code 461.37 creates an allocation for trails of 10% of the receipts into the fund. This includes design, establishment, maintenance, improvement, and expansion of land trails and water trails.

The Iowa Legislature has funded the State Recreational Trails Program through the Rebuild Iowa Infrastructure Fund. Funding levels have averaged \$3 million per year, but 2014 levels were increased to \$6 million. Funding in 2020 was appropriated at \$1 million, and still, 24 projects (with Total project costs of \$24.2M) applied to request \$7.2M. Five projects were funded with a total cost of \$4.9M and receiving a total of \$1M from the State Recreational Trails Program.

Iowa's trail infrastructure is beginning to age and will be in need of maintenance over the coming years. Local governments have been given the task of maintaining trails without additional funding. The Natural Resources and Outdoor Recreation Trust could give needed funding to trails to maintain the infrastructure and help make sure Iowa's trails are sustainable for generations.

Need:

Demand for trails outpaces the ability to fund projects. Out-of-pocket recreation spending is likely to generate more sales tax than the annual investment with over \$365 million per year (2011 Study) spent by bicyclists. New local businesses have also sprung up along trails benefitting from the investment. Trail events and rides have infused up to \$500,000 of spending per event day to towns along the trails.



STANDARD CRASH PENALTIES IN FATAL TRAFFIC CRASHES

If a bicyclist is killed or injured on Iowa roadways, it is a lesser penalty than if a motorist or pedestrian is struck on Iowa roadways. This recommendation does not raise penalties for bicyclists. It creates the same penalty for all road users. The enhanced penalty of \$1000 fine and 6-month revocation for fatal crashes or \$500 fine and 3-month revocation for serious injury is applied to the following violations:

Moving violations listed in 321.482A:

321.178(2)(a)(2) Restricted license (electronic communications or entertainment)
321.180B(6) 321.180B Graduated driver's licenses for persons aged fourteen through seventeen. (electronic communications)
321.194(1)(c) Special minors' licenses (electronic communications)
321.256 Obedience to Traffic Control Devices
321.257 Official Traffic Control Signal
321.275 (4) Use of traffic lanes two abreast
321.276 Use of electronic communication device while driving — text-messaging.
321.297 Driving on right-hand side of roadway — exceptions. 321.298 Meeting and turning to right.
321.299 Overtaking a vehicle
321.302 Overtaking and passing
321.303 Limitations on overtaking on the left
321.304 Prohibited passing
321.305 One-way roadways and rotary traffic islands

321.306 Roadways laned for traffic
321.307 Following too closely
321.308 Motor trucks and towed vehicles — distance requirements
321.309 Towing — convoys (subsection 2 — maintain 500' between towed vehicles)
321.311 Turning at intersections
321.319 Entering intersections from different highways 321.320 Left turns — yielding
321.321 Entering through highways
321.322 Vehicles entering stop or yield intersection
321.323 Moving vehicle backward on highway
321.323A Approaching certain stationary vehicles
321.324 Operation on approach of emergency vehicles 321.324A Funeral processions
321.327 Pedestrians' right-of-way
321.329 Duty of driver — pedestrians crossing or working on highways.
321.333 Duty of drivers (approaching visually impaired persons)

Need:

In the past five years (2020-16), fatal crashes involving bicyclists were charged as follows:

Failure to Maintain Control: 7%

Homicide by Vehicle: 33%

Leaving the Scene: 13%

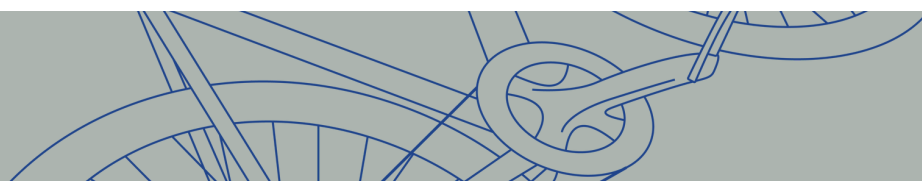
No charges: 20%

Steering Unreasonably Close to a Bicyclist: 27% (4 crashes)

Language:

Section §321.482A, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph "a", subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 2, paragraph "b", subparagraph (2), section 321.256, 321.257, section 321.275, subsection 4, section 321.276, *section 321.281, subsection 1*,...



PROHIBIT HANDHELD CELL PHONE USE WHILE DRIVING

Using a cellphone while driving increases crash risk. The drivers who spent the greatest amount of their driving time interacting with a cellphone also had the highest rates of near-crashes and crashes. Researchers have consistently linked texting or otherwise manipulating a cellphone to increased risk. Engaging in visual-manual subtasks (such as reaching for a phone, dialing, and texting) associated with the use of hand-held phones and other portable devices tripled the risk of getting into a crash.

Based on national police-reported data on fatal crashes in the United States during 2017, 3,166 people died in motor vehicle

crashes in which distraction was deemed a contributing factor. That is about 9 percent of all crash deaths.

The Iowa DOT has compiled traffic crash data involving distracted driving. Look at the chart that shows increasing distracted driving fatalities at <https://iowadot.gov/mvd/stats/distracted.pdf>

Drivers are distracted by things other than cellphones, so prohibiting phone use will not eliminate distracted driving. However, research has documented that bans on hand-held phone use reduce overall phone use.

321.210, subsection 2, paragraph e, Code 2020, is amended by striking the paragraph.

Section 321.276, subsection 1, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

1. For purposes of this section:

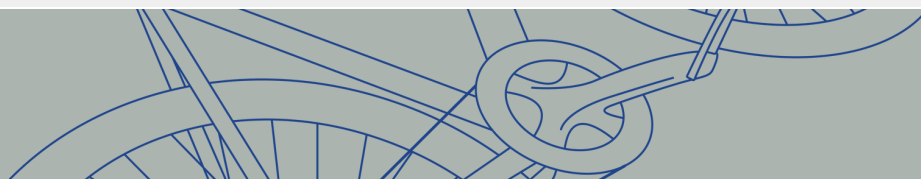
a. "Electronic communication device" means an electronic device capable of being used to compose, send, receive, or read an electronic message. "Electronic communication device" includes but is not limited to a telephone, personal digital assistant, and portable or mobile computer.

b. "Voice-activated or hands-free mode" means an attachment, accessory, application, wireless connection, or built-in feature of an electronic communication device or motor vehicle that allows a person to use verbal or single-touch commands to activate or deactivate the device or a function or software application of the device. "Voice-activated or hands-free mode" does not include accessing non-navigation video content, engaging in a video call, accessing or engaging in video streaming, accessing gaming data, or reading an electronic message.

Section 321.276, subsections 2, 3, and 4, Code 2020, are amended to read as follows:

2. A person shall not use an electronic communication device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

a. A person does not violate this section by using an electronic communication device in a voice-activated or hands-free mode.



b. The provisions of this subsection relating to the use of an electronic communication device do not apply to the following persons:

- (1) A member of a public safety agency, as defined in section 34.1, performing official duties.
- (2) A health care professional in the course of an emergency situation.
- (3) A person receiving safety-related information including emergency or weather alerts.
- (4) A person using an electronic communication device for the purpose of reporting an emergency situation, including any continued communication with emergency personnel during the emergency situation.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate an electronic communication device from the driver or occupant of a motor vehicle.

4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “I”.

b. A violation of this section shall be considered a moving violation for purposes of this chapter or rules adopted pursuant to this chapter.

c. Notwithstanding paragraphs “a” and “b”, a peace officer shall issue a warning memorandum in lieu of a citation to a person for violating this section. This paragraph is repealed on January 1, 2022.

Section 321.555, subsection 2, Code 2020, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, violations of section 321.276, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

Section 707.6A, subsection 2, paragraph a, subparagraphs (1), (2), and (3), Code 2020, are amended by striking the subparagraphs and inserting in lieu thereof the following:

(1) For purposes of this paragraph “a”, a person’s use of an electronic communication device while driving a motor vehicle shall be considered prima facie evidence that the person was driving the motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

(2) Subparagraph (1) does not apply to any of the following:

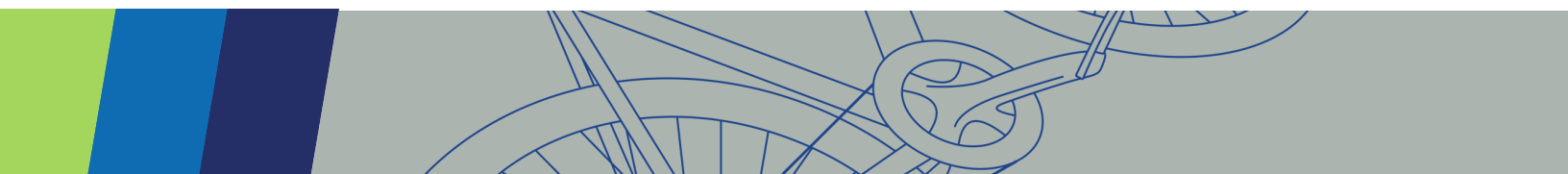
- (a) A member of a public safety agency, as defined in section 34.1, performing official duties.
- (b) A health care professional in the course of an emergency situation.
- (c) A person receiving safety-related information including emergency or weather alerts.
- (d) A person using an electronic communication device for the purpose of reporting an emergency situation, including any continued communication with emergency personnel during the emergency situation.
- (e) A person using an electronic communication device in a voice-activated or hands-free mode.

(3) For purposes of this paragraph “a”, the following definitions apply:

- (a) “Electronic communication device” means the same as defined in section 321.276.
- (b) “Voice-activated or hands-free mode” means the same as defined in section 321.276.

Section 805.8A, subsection 14, paragraph I, Code 2020, is amended to read as follows:

I. Use of electronic communication device while driving violations. For violations under section 321.276, the scheduled fine is one hundred dollars.



ADD THE REQUIREMENT TO YIELD TO A PERSON RIDING A BICYCLE IN A CROSSWALK

Currently, the Iowa Code only requires motorists to yield to pedestrians in crosswalks. Trails, widened sidewalks, and sidepaths are being designed for bicycle use and bicyclists are encouraged to use them.

Need:

Total Crashes 2010-2020 involving pedalcyclist at marked or unmarked crosswalk: 2,034

Fatalities: 13

Serious Injuries: 175

Minor Injuries: 1,044

Possible Injuries: 862

Source: Iowa DOT (<https://icat.iowadot.gov/>)

Language:

§321.327 Pedestrians' right-of-way.

1. Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian or bicyclist crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

