



Task Force Meeting 3 Summary Notes

Thursday, October 12, 2017

1PM – 3:30 PM

Task Force Members:

Shayne Boucher, Vincent Boylan, Delegate Andrew Cassilly, Ragina Cooper-Averella, Chris Eatough, Tom Gianni, Jack Keene, Jon Korin, Laurie Lemieux, Nick Driban (for Mike Lenhart), Michael Lore (for Senator Susan Lee), Mark Morelock, Peter Sotherland, Marsha Tracey (for Delegate Stephen Lafferty), Frank Voso (for Senator Roger Manno), Mayor Patrick Wojahn, Chief Michael Wynnyk, Corporal Dave Zanon

Task Force Members Not Present:

Captain Charles Baker, Tom Huesman

MDOT Staff Present:

Marty Baker (MDOT TSO), Stacey Beckett (MDOT SHA), Virginia Burke (MDOT TSO), Natisha Galloway (MHSO), Kelly Melhem (MHSO), Heather Murphy (MDOT TSO), Oluseyi Olugbenle (MDOT TSO), Diane Patterson (MDOT TSO)

Consulting Staff Present:

Leigh-Ann Dawes (Sharp & Company), Alia Anderson (Toole Design), Elisa Mitchell (Sabra Wang Associates), Bryon White (Sabra Wang and Associates)

Members of the Public:

Louis Campion, Joshua Feldmark, Peter Gray, Kim Lamphier, Jameson Lancaster, Kate Mazzara

Welcome and Introductions (Chair and All – 10 mins)

The Chair asked Task Force members for any comments on the Draft Meeting 2 Notes, and acknowledged some minor corrections to attendance for previous meetings. A suggestion was raised to list Task Force members who send designees as present and not absent. The Chair agreed with this change. The notes were approved and will be posted online with the other meeting materials to the Task Force website: http://www.mdot.maryland.gov/newMDOT/Planning/Bike_Walk/Task-Force.html.

The Chair noted that comment was welcome on Context Paper 1 and that Context Paper 2 would be distributed today. The Chair thanked those members who have shared comments and resources. He noted that Delegate Cassilly had shared a link: <http://peopleforbikes.org/how-it-got-built/>, which is an interactive site that highlights a variety of innovative bicycle projects across the country. Peter Sotherland shared that FHWA had recently published a revised version of their Pedestrian and Bicycle Safety Action Plan guide: https://safety.fhwa.dot.gov/ped_bike/ped_focus/. The Chair reminded the group that the Maryland Bicycle and Pedestrian Advisory Committee (MBPAC) will hold a Bicycle and Pedestrian Roundtable next Friday in Crownsville, MD.

Hard copies of the agenda, meeting 2 summary notes, and context paper 2 were made available to Task Force members.



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Recap of Infrastructure, Policy Tools and Design Observations (Chair and Task Force Consultant Team – 10 mins)

The Consultant Team presented a recap of the previous meeting's presentation on legislated issues, which included:

- Adequacy of current/future capacity and use of bike infrastructure (paths, lanes, etc.)
- Implementation of complete streets strategies related to safe travel for all bicyclists
- Issues related to traffic control devices governing behavior

The Consultant Team also summarized the existing, related tools that were presented at meeting 2: BLOC, Performance Metrics/Attainment Report, STOA, BPPA's, Spine Network, Bike Ped Master Plan, SHA Design Guidelines, MD MUTCD.

The Consultant Team presented on the following issues requested by the Task Force: DC's replacement of its contributory negligence law, and the previous efforts to reconcile the three-foot passing requirement relative to narrow roads with a double yellow line. In some cases, Maryland's current contributory negligence law can negatively influence a cyclist's claim for damages or for insurance claims in crashes. DC recently passed a comparative negligence law (joining 46 other states with similar laws), which enables pedestrians, bicyclists, and motorists involved in traffic accidents to recoup up to 100% of losses if they are found to be less than 50% at fault.

A comment was raised that the insurance industry may not be in favor of such legislation due to concerns over insurance premiums. Bicycle advocates and trial lawyers are in favor of changing the law. In the State Legislature, this bill could be passed procedurally in the Senate but would involve multiple committees in the House. The Chair suggested that the Task Force focus on specific recommendations and not legislative procedures.

The Task Force made the following recommendations:

- *Consider introducing legislation modeled on a recent DC law to specifically address how cyclists and pedestrians are addressed in defining contributory negligence.*
- *Consider legislation to enable law enforcement to use newly available technology to better detect and document non-compliance with the three-foot passing law, and to mail tickets to registered vehicle owners (if unable to stop motorist at the time of violation).*
- *Consider legislation to enable law enforcement to use newly available technology to better detect and document non-compliance with the three-foot passing law, and to facilitate enforcement through electronic ticketing, etc.*

The Consultant Team then reviewed key issue areas that had emerged during previous meetings, which included crash data, user/ridership data, bicycle network connectivity, targeting infrastructure investments, and low-stress investments.

One Task Force member commented that sensitivity training for police officers should be pursued to improve relations with cyclists and to improve crash reporting. The Chair recommended that further discussion on this topic be deferred until an overview of existing education efforts can be shared at the next Task Force meeting.



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The Task Force members also recommended that in addition to existing spine network and trail efforts, the state should support local jurisdictions by helping compile GIS data for bicycle facilities across the state. It was noted that the state could play an important role in highlighting and prioritizing network needs and opportunities, particularly as it relates to facilities to better connect across jurisdictions. One member urged the state to review local trail master plans as a means to build connections. Other members questioned the target audience for the SHA Spine Network and noted a problem in that many of the routes identified are not safe for all levels of comfort. Other issue areas raised included concern for addressing equity as part of how investments are targeted, and identifying different land use conditions to inform road treatments, such as mid-block crossings.

Discussion of Recommendations: Infrastructure, Policy Tools and Design (Chair and Task Force Consultant Team - 30 mins)

The Task Force discussed the issue of data, particularly that the current crash data analysis system is inefficient because it has to go through three parties. In addition, the issue of personal data and liability from dangerous intersections was discussed. This discussion led to the following recommendation, which the Chair will clarify and report back to the Task Force:

- *Legislation should be introduced to identify the Maryland Department of Transportation as the primary recipient and analyst for statewide crash data collected by law enforcement. MDOT should then seek to identify responsible approaches to better disseminate the data to better identify and address safety needs.*

The Task Force then discussed the issue of ridership data, which can be costly to collect at the state level but is important for bicycle planning. It was clarified that MDOT SHA collects statewide traffic data along state and local road segments and intersections, and that they have recently directed that such counts include bike turning and through volumes at intersections. The Highway Safety Office and other entities have also conducted travel surveys that could be used to address issue areas. The group discussed the value of exposure/ridership data, prioritization, and Short Trip Opportunity Areas (STOAs). The Task Force then discussed the process by which Short Trip Opportunity Areas become Bicycle and Pedestrian Priority Areas, which present a mechanism for improving state/local connectivity for bike safety. Task Force members acknowledged that the program is still in early stages of implementation, but recommended that further outreach be conducted, and that the program should be evaluated. This discussion led to the following recommendations:

- *MDOT should conduct a periodic survey to better understand attitudes/actions of motorists and cyclists.*
- *State and local agencies should explore new methods for collecting ridership, exposure data, and non-reported crashes.*
- *MDOT should provide "Short-Trip" Opportunity Areas" data to local jurisdictions.*

The Task Force also discussed the waiver process as it relates to connectivity issues. Some suggested a more flexible process (such as permitting a sidewalk to be built only on one side of the road), or fees that might be assessed instead of requiring on-site mitigations. There was concern that the state might not



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be able to affect this requirement because it may fall under federal ADA requirements. The discussion closed with the following recommendation:

- *The State should consider and expand the waiver process to facilitate connectivity issues.*

The Task Force discussed concerns that the State's Complete Streets policy is not being honored by all Transportation Business Units (TBUs) within MDOT. The group concluded that more information is needed about the status in order to make recommendations about the policy.

Overview of Site Access Design/Utility Siting Preliminary Recommendations (Task Force Consultant Team – 15 mins)

A presentation was given on the Project Development Process, Site Access to Retail/ Commercial/ Residential and Points of Interest, Vehicle Traffic Impacts, Pedestrian Mixing, On-street Parking Impacts, and Siting of Utilities & Other Infrastructure.

Discussion: Site Access, Design and Utility Siting – Priority Issues/Recommendations (45 mins)

Task Force members expressed concerns that for new projects, bicycle counts are taken under current conditions, which are often not safe for bicyclists, and cannot adequately capture what the demand would be if bike lanes or cycletracks are installed. State representatives said that the process also involves analyzing demographics to estimate future mode share demand, and do not rely on counts alone.

The Task Force expressed interest in the opportunity to develop bicycle trails along utility corridors, noting, for example, recent efforts involving PEPCO right of way near Germantown in Montgomery County. Task Force members noted particular interest in providing lighting for trails as a safety feature, and suggested that utility companies could be helpful along these lines. A barrier to utility right of way use for trails was also acknowledged, however, due to high sensitivity to potential construction impacts and the expense involved in any temporary disruption of service.

Task Force members discussed the need for an online method to report problems with bicycle infrastructure, such as potholes, because funding is only available for repairs if SHA has been notified. Peter Sotherland will investigate if a current system exists besides the call in option.

There was discussion about protected bike lanes, and MDOT SHA's installation processes for non-permanent infrastructure (like flex-posts). Other members emphasized that a primary issue was often creating a safe crossing for state roads, rather than creating infrastructure for cyclists to travel along them.

The comment prompted further comment regarding need for better coordination between state and local agencies. Participants emphasized that often the best option for cyclists is to use parallel local or county roads, instead of on state roads where options may be more dangerous, expensive, or limited. The Task Force asked whether there might be opportunity to collect alternative fees related to traffic impacts that could be collected into a fund and used to help finance bike network connectivity.



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Public Comment

Opportunity for public comment was provided at the meeting. The Chair opened the meeting to public comment and noted that as of this date, no inputs had been received through the Task Force website or e-mail address. He noted that these options are always available for those who may not be comfortable speaking at meetings.

Members of the public raised concern regarding how bike facility maintenance is treated under current Maryland law. It was suggested that the law prohibiting MDOT SHA from maintaining bicycle facilities within the state right of way, and the obligation that local jurisdictions or other project owners otherwise commit to perform this function, had resulted in important projects not being built.

A physician attending the meeting expressed satisfaction for the quality of the dialogue, and emphasized the importance of the work being considered. He noted biking as particularly important from a health perspective and stated that 90% of diabetes cases are lifestyle-related. He urged that the state support partnerships with community colleges and high schools to support the construction of bicycle facilities around community colleges and high schools.

Another attendee followed up on the complete streets discussion and urged that the Maryland Transportation Authority, in particular, should be asked to adopt and comply with a complete streets policy for all facilities, with the exception of Interstate 95.

After requesting any final comments from the Task Force, and hearing none, the Chair reminded meeting attendees that the next meeting would be held at BMC Offices in two weeks (October 26th) – beginning at 1:30pm. The meeting was adjourned at 3:30pm.