



423 S. Kansas Ave. Topeka, KS 66603

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

From: Andy Fry, LCI 4301  
Riding Instructor, Topeka Community Cycle Project.

Re: HB 2068 - An act regulating traffic; concerning bicycles; path usage; amending  
K.S.A. 8-1590 and repealing the existing section.

Date: February 5, 2015

Mr. Chairman and Members of the House Transportation Committee,

Firstly, I want to say thank you for the opportunity to speak before you on House Bill 2068, which offers the opportunity to clean up outdated and conflicting language within our state statutes. As an instructor the League of American Bicyclists and the Topeka Community Cycle Project, I teach practical riding courses--teaching others how to ride safely and effectively amongst everyday traffic and commuting, I work to keep my instructions to students clear and concise. HB 2068 attempts to accomplish the same goal.

K.S.A 1590(d) as it stands today is:

1. obsolete and outdated,
2. in conflict with Kansas statute as well as federal and state guidelines, and
3. Unsafe for those who bicycle in Kansas.

When this law was written initially in the 1970's, there was very little infrastructure in our Kansas communities; neither on road or trails. In our current era of encouraging active transportation, whether walking, bicycling, or otherwise, there are shared-use paths, side-paths, and on-road bike infrastructure such as bike lanes and sharrows going in every construction season across the state. HB 2068 is proactive in eliminating language that was current in the by-gone era of banana seats and stingrays. Unfortunately, it is obsolete at this time because it mandates the unsafe practice of jumping back and forth between side paths, bike paths, and multi-modal paths to roadways. The potential risk K.S.A. 1590(d) offers by mandating this behavior is only going to increase as bicycling as an activity grows in the coming decades.



423 S. Kansas Ave. Topeka, KS 66603

Being that there are no bike specific paths in existence in Kansas, it is unnecessary to provide such a requirement of bicyclists.

Additionally, law enforcement can't reasonably be expected to enforce this law in reference to on-street bicycle facilities like bike lanes. K.S.A. 8-1590(d) reads:

*"Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway."*

This language, with emphasis added by underlining, suffers from some of the following issues:

1. K.S.A. 1590(d) conflicts with other Kansas Statute that indicates bicyclists are allowed full use of the lane. K.S.A.8-1590(a):

*"Every person operating a bicycle [...] shall ride as near to the right side of the roadway as practicable [...]"*

This language allows bicycles to utilize more of a traffic lane if there are obstacles, dangers or conditions that require a bicyclist to move to the left. This could include a bicyclist's need to ride in the center of a narrow lane to help regulate traffic behind them trying to pass within the narrow lane.

2. K.S.A. 1590(d) conflicts with the definition of bike lane that the Federal Highway Administration and the American Association of State Highway and Transportation officials recognize. It's defined as:

*"a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists"*

Such distinction that the bike lane is part of the roadway, as opposed to "adjacent to the roadway" or separated therefrom brings the validity of K.S.A 8-1590 into question. This conflict functionally eliminates the use of K.S.A. 8-1590 from being used in reference to a bike lane or roadway based bicycle infrastructure. Unfortunately various law enforcement agencies have indicated they see this applicable to bike lanes.

Finally, and most importantly for my riding students, there are instances across the state including, but not limited to:

- Garden City: Talley Trail--E Hamline and Johnston St
- Topeka: Shunga Trail: Shunga Drive, Landon Trail: S. Kansas Avenue
- Hutchinson: Jim P. Martinez Trail--Carey Park Blvd
- Overland Park: Indian Creek Trail-- Indian Creek Blvd.
- Wichita: Arkansas River Trail: North McLean Blvd.



423 S. Kansas Ave. Topeka, KS 66603

Each of these trails are examples in which bicycles would be mandated to ride on in the dark of night, without any lighting, rather than the street which provides lighting from dusk until dawn. Functional cycling is rapidly growing all across the state, and despite bicyclists using head and tail lights, it is not safe to expect persons that bicycle to be able to navigate a completely darkened path. Besides lighting, these paths are not policed at night and it is well known, at least in Topeka, that these paths are not very well considered safe after dark; there have been incidents of assaults and robberies reported in the past. K.S.A. 1590(d) is a safety hazard from a personal protection standpoint as well as a navigable standpoint, in not being able to clearly define the trails as they flow back and forth.

With the State of Nebraska currently working through a similar bill, I strongly urge the Chair and the Transportation Committee to help eliminate this outdated, conflicting, and dangerous statutory language, by working this bill so it can be reported back to the House.

Thank you for your time!

Respectfully,

Andy Fry

1622 SW Plass Avenue  
Topeka, KS 66604  
andy@cycleproject.org  
785-608-1947