

MICHIGAN Bicyclist

PROMOTING BICYCLING AND THE SAFETY OF
BICYCLISTS ON MICHIGAN ROADWAYS

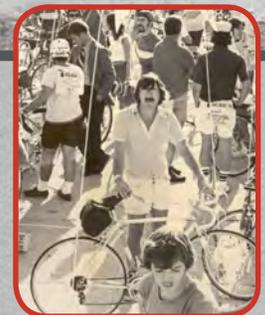


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The League of Michigan Bicyclists, or LMB, is a 501(c)(3) non-profit organization devoted exclusively to the advancement of bicycling. Our mission is to promote bicycling and increase the safety of bicyclists on Michigan roadways.

Michigan Bicyclist Magazine is a LMB member benefit. It is published as part of our effort to educate Michigan cyclists, law enforcement, policy makers, engineering and planning communities, and others on issues affecting bicycling in Michigan.

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On the Cover: *Bicyclists take off at the start of 2018's HUB Fest. Photo by Elly St. John.*

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Lindsey DesArmo - LMB Board Chair



In May, my husband and I had the opportunity to kick off our summer riding season with a ride from our home in Grand Rapids to South Haven. We enjoyed beautiful scenery, companionship, and physical activity; stopping along the way in Holland and Saugatuck for food and drink. I am thankful that about 90% of the trip was on a designated bike trail, lane, or wide shoulder.

Though we had a positive experience overall, we did have an encounter with a motorist that was too close for comfort. Fortunately, we left the situation with no physical harm, however, it was a clear reminder we must increase education and awareness of bicyclists in our state. Infrastructure allows for a more comfortable ride, but alone it does not ensure a safe ride. We need additional laws and regulations coupled with education to keep everyone safe.

The passing of LMB's safe passing bills in June takes Michigan one step closer to keeping motorists and bicyclists safe. Allowing room for bicyclists on Michigan roadways has new meaning now that the law requires all motorists leave three feet of space when passing. Arriving at this point has taken patience, collaboration, and persistence. Thank you LMB, staff, volunteers, and members for your

financial support, letters, and voices to Senators and Representatives.

Not only are we celebrating legislative wins, we are also celebrating another successful summer of tours. MUP continues to rise in popularity. Year two is in the books for our one day ride, HUB Fest, in Adrian. HUB Fest riders once again choose from a variety of supported routes, including a kid friendly trail ride, wine tour, road ride, and gravel experience, afterward gathering together for music, food, and drinks. See some pictures from HUB Fest, and our other tours, MUP, Shoreline West, and Sunrise Adventure, on page 3. Our LMB tours are critical in generating revenue to achieve our vision of a Michigan where cycling is safe, comfortable, and convenient for all. When planning for your 2019 adventures, please consider one of our world class supported rides in this beautiful state and support the cause.

No matter your reason for riding, whether for recreation, pleasure, or transportation, you belong on the roadways in Michigan. Now you also have the right to three feet of space when being passed on those roadways. We believe cycling can be safe, comfortable, and convenient for all and are working hard every day on your behalf to bring this vision to reality. Thank you for your support as we continue this work.

Ride on.

7th Annual
**Michigan Bicycling
Photo Contest**
www.LMB.org/photocontest

AMERICAN CYCLE AND FITNESS
LEAGUE OF MICHIGAN BICYCLISTS
EST. 1981

Director's Hub

John Lindenmayer - LMB Executive Director



LMB is very pleased that Governor Snyder signed HB 4198, 4265, and 4185 into law on June 29, 2018! Our bills are now Public Acts 277, 279, and 280 of 2018. PA 279 and 280 of require motorists to give three feet of space as they pass bicyclists on the roadways. PA 277 of improves drivers education in Michigan to put a greater emphasis on bicycle safety.

Until this legislation passed, the Michigan Vehicle Code provided no guidance for drivers on safely passing bicyclists, making Michigan one of only 11 states without a safe passing law. Additionally, Michigan's drivers education curriculum did not include sufficient information on how to safely interact with bicyclists and other vulnerable roadway users. These problems contributed to an alarming rise in bicyclists' injuries and fatalities. Thanks to your support, support from our partners the Michigan Trails and Greenways Alliance, Michigan Environmental Council, and others, Michigan now has addressed these issues. We are not done yet, however. To keep us going strong, we need you.

Because of supporters like you, LMB advanced more legislation than ever before this past year. Including our safe passing and drivers education bills, we have ushered a total of seven bicycle-friendly bills into law. Governor Snyder signed our e-bike legislation into law on October 30, 2017. These new Public Acts clarified the definition of an e-bike and denoted where e-bikes can lawfully be ridden. In May, the Governor also signed our obstructed license plate bill, affirming that bicyclists will no longer receive a ticket for obstructing their vehicle's license plate with a bicycle rack.

It has been a hard-fought battle to get all this legislation passed. Behind

the scenes, LMB has been working full-time to advance our bills and provide a foundation for future legislation that will make Michigan bicycling even safer. As you know, LMB works on behalf of all bicyclists, whether you ride the roadways, are a mountain biker, or just like to cruise around with your family. All year long, LMB serves as the voice of the bicycling community, advocating for bicycle-friendly legislation, training law enforcement officials in interacting with bicyclists, educating both adults and children in cycling safety, and more. With your help, LMB is eager to take on new advocacy campaigns that continue to push for bicycle-friendly policies across Michigan.

Although the passage of our laws is a huge victory, there is still plenty of work to do. We must work together to spread the word about the new safe passing law. You'll find answers to frequently asked questions regarding the safe passing law on page 5. We hope you share it with your friends to help spread correct information. LMB also developed safe passing merchandise that will allow you to show your support and help spread the word to the general public about the new law. Lawn signs, buttons, and stickers with our safe passing graphic are now available for purchase. You will find an order form of page 14. Additionally, during our special summer appeal, with a donation of \$125 or more, we will send you one of our new lawn signs as a thank you gift. Your gift will help us educate the public to pass safe and save lives.

Our work is not possible without support from our donors, members and tour riders. We appreciate the support of all the people who answered our call to actions, contacted their legislators, or otherwise got involved to move our bills through the legislation all the way to the Governor's desk. Thank you again! 

**Safe Passing
lawn signs
now available!**
Visit
LMB.org/shop
to order.

MICHIGAN LAW



PASS SAFE, SAVE LIVES

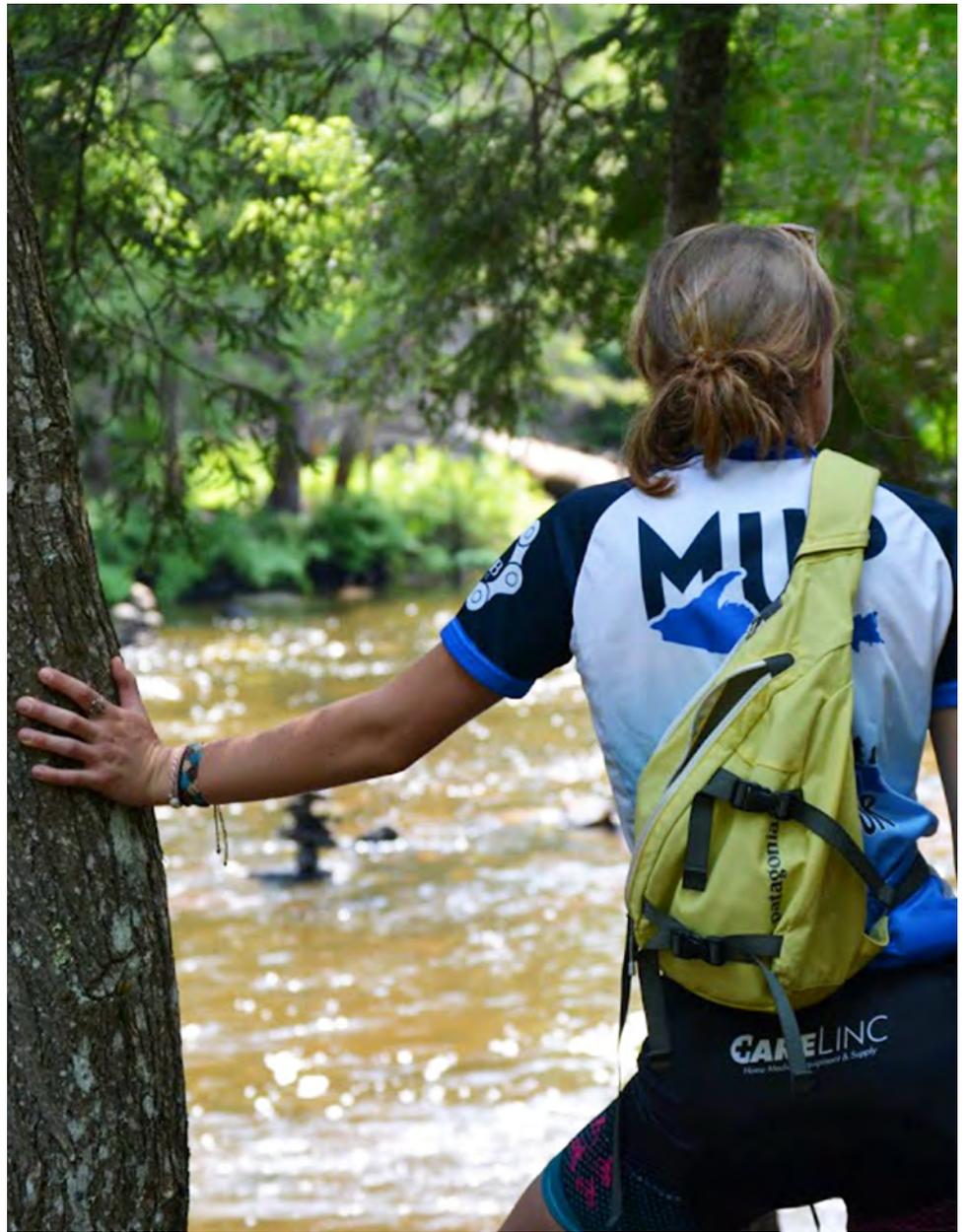


**Show your
support and
help spread the
word about the
new safe
passing law.**

BIKE LMB TOURS



STORY AND PHOTOS BY ELLY ST. JOHN



This summer has been an outstanding year for LMB's bicycle tours! Our newest tour, HUB Fest, took on its second year in beautiful Adrian. The threatened rain held off for most of the day, allowing everyone to come together after riding one of HUB Fest's four routes for the after-party with local bands, mouth-watering food trucks, and topping the night off with good beer. The Sunrise Adventure tour followed. Cyclists descended on Alpena for a full weekend cycling the outskirts of the city. Michigan's Upper Peninsula (MUP) was a year for the books as we hosted over 190 riders for seven days of breathtaking rides across the eastern UP. Shoreline West ended our tour season with a bang. 470 riders joined us for a beautiful week of cycling Lake Michigan's west coastline. In spite of a few last minute re-routes

due to construction, riders reported a fantastic week! Early-bird registration for LMB's 2019 tour season begins December 1st. Open registration begins January 1st. We hope you'll join us in 2019!

Opposite: Riders enjoy treats along one of Sunrise Adventures routes.

Top Right: A MUP rider enjoys the scenery.

Top Left: A HUB Fest rider prepared for the start of the kid-friendly Hadrian Hoopla route.

Second from Top: Riders on Shoreline West take a break in a sunflower field.

Second from bottom: A rider crossing the finish line on MUP.

Bottom: A MUP rider pitches their tent in one of many remote spots along MUP.

MICHIGAN LAW



PASS SAFE, SAVE LIVES



Michigan's Safe Passing Law FAQ

On June 29, 2018, Governor Snyder Signed HB 4265 (Hughes), 4185 (Bizon), and 4198 (Alexander) into law. PA 279 and 280 of 2018 require motorists to give three feet of space as they pass bicyclists on the roadways. PA 277 of 2018 improves drivers education in Michigan to put a greater emphasis on bicycle safety.

Where can I read the public acts?

To find the full text of the adopted laws, put in the numbers at www.legislature.mi.gov. Here is a basic breakdown of the new laws:

PA 280 of 2018 requires a motorist attempting to overtake a bicyclist traveling in the same direction give at least three feet to the left of the bicyclist as they pass until they have safely passed the bicyclist. The motorist may drive to the left of the center of the highway to pass a bicyclist if it is safe to do so, regardless of if the vehicle is in a no-passing zone.

(2) The driver of a motor vehicle overtaking a bicycle proceeding in the same direction shall pass at a safe distance of at least 3 feet to the left of that bicycle or, if it is impracticable to pass the bicycle at a distance

of 3 feet to the left, at a safe distance to the left of that bicycle at a safe speed, and when safely clear of the overtaken bicycle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable. (3) Notwithstanding section 640, if it is safe to do so, the driver of a vehicle overtaking a bicycle proceeding in the same direction may overtake and pass the bicycle in a no-passing zone. (4) A person who violates this section is responsible for a civil infraction.

PA 279 of 2018 requires a motorist attempting to overtake a bicyclist traveling in the same direction to the left of the vehicle give at least three feet of distance to the right of the bicyclist until they have safely cleared the bicyclist.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the overtaking and passing in safety. The driver of a vehicle shall not overtake and pass another vehicle upon the right by driving off the pavement or main-traveled portion of the roadway. (3) The driver of a vehicle overtak-

ing a bicycle proceeding in the same direction shall, when otherwise permitted by this section, pass at a distance of 3 feet to the right of that bicycle or, if it is impracticable to pass the bicycle at a distance of 3 feet to the right, at a safe distance to the right of that bicycle at a safe speed. (4) A person who violates this section is responsible for a civil infraction.

This new law addresses how to safely pass when a bicyclist is traveling in the left lane. This can occur when a bicyclist is riding in the left lane of a one way street or crossing into the left lane when preparing to make a left turn. This law does not allow motorists to pass to the right of a bicyclist when they are riding as far to the right as practicable or taking the lane. The Michigan Vehicle code already prohibits motorists to leave the roadway onto the shoulder to pass a vehicle, including a bicyclist.

PA 277 of 2018 requires drivers education curriculum to include no less than one hour of classroom time devoted to laws pertaining to bicyclists, motorcyclists, and other vulnerable roadway users, including pedestrians. The laws of this state pertaining to bicyclists, motorcyclists, and other vulnerable roadway users shall also be incorporated to other parts of the drivers education curriculum where appropriate.

(iv) Classroom instruction shall include not less than 1 hour of information concerning the laws pertaining to bicycles, motorcycles, and other vulnerable roadway users, including pedestrians, and shall emphasize awareness of their operation on the streets, roads, and highways of this state. The laws of this state pertaining to awareness of bicycles, motorcycles, and other vulnerable roadway users, including pedestrians, shall also be incorporated into other subject areas of the curriculum where appropriate.

Why are there two safe passing laws?

PA 280 of 2018 deals with passing a bicyclist

to their left while PA 279 of 2018 deals with passing a bicyclist on their right. Passing a cyclist on their left is the more common scenario. Under Michigan law, however, bicyclists are allowed to travel as far to the left as practicable on one-way roads. Drivers may also find themselves to the right of a bicyclist on multi-lane roads when that cyclist moves away from the right-hand edge of the road to position themselves to make a turn. Other exceptions are outlined in MCL Section 257.660a. This new law does not give drivers the right to pass bicyclists on the right by using the shoulder of the road. This remains illegal and extremely dangerous.

I heard there is an exception to the three-foot law. Can you explain that?

Yes, the language states, *“if it is impracticable to pass the bicycle at a distance of 3 feet to the left, at a safe distance to the left of that bicycle at a safe speed, and when safely clear of the overtaken bicycle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.”* LMB fought to have this exception removed but ultimately the language remained in the final version of the legislation. LMB will continue to advocate to strengthen the safe passing law in future legislative sessions.



HB 4185 passed in the State House with an amendment that changed the five foot distance to three feet.

What happened to five feet?

The legislation was originally introduced as a five-foot passing standard. LMB advocated to retain the wider distance, but as with most legislation, considerable compromise was required in order to advance it through the legislative process. Going from a five-foot requirement to a three-foot one, as well as the addition of the “at a safe distance” language, came after a difficult battle. Throughout the process of getting this legislation passed, various amendments were proposed that could have actually made things worse for bicyclists, despite the intent of the legislation. Suggested amendments included the removal of a specific numerical distance entirely from the law, while another modified it to be five feet from the edge of the road, not five feet from the cyclist. One propos-

al suggested making the passing law seasonal, while another pushed to exempt drivers from having to safely pass if the cyclist was in a bike lane. Additionally, there was support for language that gave drivers two warnings before receiving points for a violation. In the face of these problematic proposals, a compromise was reached to codify three feet as the minimum distance to pass a bicyclist and to include the “at a safe distance” language. While this is ultimately not what LMB originally set out to enact, we believe PA 279 and 280 of 2018 are an important first step to improve public safety. LMB remains optimistic that the new laws provide a strong foundation for future legislation to make Michigan bicycling safer. There is still room for improvement on these issues and LMB looks forward to continuing to work with our membership to push for strong bicycle-friendly policies.

Can a motorist pass a bicyclist in a no-passing zone?

Yes, as long as it is safe to do so. PA 280 of 2018 states, *“Notwithstanding section 640, if it is safe to do so, the driver of a vehicle overtaking a bicycle proceeding in the same direction may overtake and pass the bicycle in a no-passing zone.”* While drivers are allowed to straddle the centerline as they pass a bicyclist, LMB recommends a complete lane change whenever it is possible and reminds drivers that it is their responsibility to ensure the oncoming lane is free of traffic, including bicyclists traveling in the opposite direction.



LMB’s Executive Director, John Lindenmayer, testifies in favor of the safe passing legislation before the Senate Judiciary Committee.

Does the three-foot rule apply when bicyclists ride two abreast?

Yes. According to MCL Section 257.660b, bicyclists can lawfully ride two abreast: *“Two or more individuals operating bicycles upon a highway or street shall not ride more than two abreast except upon a path or portion of the highway or street set aside for the use of bicycles.”* Drivers should give three feet of space between them and the bicyclist furthest in the lane. Bicyclists should not ride more than two abreast.

Does the three-foot rule apply if a bicyclist is traveling in a bike lane?

Yes, drivers must give three feet of space regardless of if the bicyclist is in the roadway, shoulder, or in a bike lane.

What is the punishment for passing with less than three feet of space?

An improper passing ticket is a three-point violation and is a civil infraction under MCL 257.636. There is no jail sentence for civil infractions. Civil infraction fees are set by local jurisdictions, but the range, based on the Supreme Court Recommended Range of Civil Fines and Costs for First-Time Civil Infractions for an improper passing ticket is \$99-\$117. Examples of local improper passing tickets, if paid on time, include Detroit (\$130), Grand Rapids (\$124, and for all accidents, add \$30), Ingham County (\$125), Ann Arbor (\$140), Kalamazoo (\$115), Marquette (\$125), and Midland (\$135). Since improper passing is a moving violation, the court fines go to the local court, and the fees go to fund Michigan libraries.

Is this law enforceable?

Yes. Unsafe passing can be enforced similar to other moving violations such as speeding, careless driving, seatbelt violations, failure to stop, etc. An officer that witnesses an unsafe pass can issue a ticket or warning. Likewise, a driver who actually hits a bicyclist during a pass could be issued a citation, in addition to other moving violations. Additionally, other

states and communities with safe passing laws have found effective ways to perform targeted enforcement campaigns aimed at educating the public. The City of Grand Rapids is the first municipality in Michigan to equip police officers with handlebar mounted ultrasonic radar detectors capable of capturing the passing distance between vehicles and bicycles.

Can a cyclist make a complaint against a driver who passes too close?

Yes. However, because law enforcement did not witness the infraction, the driver will not necessarily be issued a ticket. Regardless, LMB recommends recording the driver’s license plate and filling out an incident report against drivers who pass dangerously close. Doing this establishes a pattern of behavior against these motorists. In the event law enforcement does witness a close pass, having a recorded history of violating the law could result in more severe consequences. Additionally, reporting close passers puts law enforcement on notice to take proactive efforts to educate the public and enforce the law.

Will this law strengthen legal avenues for a bicyclist that gets hit by a motorist? What if the bicyclist loses control because they get buzzed by a driver?

Yes. A crash that occurs due to a motorist passing too closely is clearly a violation of the law, meaning it is subject to the penalties associated with that infraction on top of any penalties resulting from other factors contributing to the crash.

Is the distance measured three feet from the bicycle’s handlebar to the vehicle’s side-view mirror?

Yes. The distance is measured from the widest part of the vehicle and the bicycle.

Do the various local five-foot ordinances still stand? Can other cities in Michigan still opt for five feet in their jurisdiction?

Ann Arbor, Dearborn, Grand Rapids, Kalamazoo, Kalamazoo Twp, Muskegon, Norton

Shores, Oshtemo Twp, and Portage have all adopted five-foot passing ordinances. LMB has received conflicting opinions as to whether these local ordinances remain in effect or if new local ordinances can be enacted. Though it remains unclear at this time, LMB’s interpretation of existing case law is that local ordinances can stay in effect. LMB will continue to monitor and research this issue.

How will motorists become informed about the new safe passing laws?

LMB is launching a campaign to disseminate information about the new laws to bicyclists, law enforcement, and the public at large. As a first step, new lawn signs, buttons, and stickers are available for purchase with proceeds supporting our efforts to educate the public. LMB will work with the Secretary of State to ensure that information about the new laws is incorporated into the drivers education curriculum.

Additionally, a national three-foot passing sign standard is under development and should be available for use by Michigan road agencies in 2019.

How can I help? Can I make a contribution?

Donations to help fund our safe passing campaign are always appreciated. You can make a contribution at www.LMB.org/safepassing. As always, joining or renewing your membership or making a donation help to fund all of our education and advocacy work. Additionally, proceeds from the sale of LMB’s safe passing merchandise will directly fund our efforts to inform the public about the new laws. Supporters can find information on how to join, donate, or purchase safe passing merchandise at www.LMB.org. 

Member Shop Spotlight

Story by Elly St. John

As Michigan bicycling grows, so does LMB. As a thank you to all of our bicycle shop members for their years of support, we are thrilled to announce the start of a Member Shop Spotlight series. With so many outstanding bike shops in Michigan, we want to thank our members for all that they do. A special thank you to Michael Rueter from American Cycle and Fitness for sharing their story.

"It was more or less a mid-life crisis," Michael Reuter laughs, explaining how he brought American Cycle and Fitness (ACF) to life. According to him, luck, a lot of hard work, and great relationships are to thank for the success of the shop. ACF now has seven locations in addition to a Mobile Bicycle Shop.

Among the many services that contribute to the growth of ACF, their Mobile Bicycle Shop has become widely successful, bringing bicycle maintenance and repair right to people's doorsteps. "It's all online," Reuter says, "you book your appointment then we come to your house and fix your bike." The Mobile Bicycle Shop was integrated into ACF's brick-and-mortar stores

because of the fast-paced culture of today: everyone is looking for businesses that go that extra mile. ACF does just that. They try to make cycling more convenient for everyone through their variety of services.

That convenience attracts many of ACF's customers. "There's always going to be that group of people that want to do it themselves, but in the grand scheme of things [at ACF] it's such a small percentage." In Reuter's mind, there are cyclists and those who cycle. Cyclists are individuals who race, commute by bicycle, or ride as often as they can, while those who cycle are casual riders. Those who cycle make up the largest piece of the pie and create a foundation for ACF. "That's really what American Cycle and Fitness tries to do, bring all those people who cycle into the fold and make cycling more enjoyable."

Reuter has many ideas for making cycling more enjoyable for the average Joe. "People think I'm a little crazy about e-bikes, because it's all I talk about," he confessed. "I do think it's one of the major tools that will get more people on bikes. Why don't people ride bikes? 'It's hard!'" He

believes that e-bikes will get more people on bicycles, which ultimately means less people in cars, and less people in cars results in fewer crashes. His full-circle passion for e-bikes comes down to one simple equation: more people on bikes equals more funding for cycling infrastructure.

"We see all the legislation that was passed specifically this year, so we have a lot better conversation that we can have, not just [with] our customers, but with other shops." Michael came onto the LMB board two years ago but has been involved with LMB for over 10 years. Up until 2005, he worked seven days a week in the shop, but he now has more time to be involved with cycling advocacy. "When I'm out there with LMB and I'm working on advocacy, it's not just for American Cycle and Fitness, it's everybody. It's about giving back to the community and making sure that whatever I can do to impact that community, I do. Now does that positively impact ACF, I hope so. I hope it impacts everybody that sells bikes and rides bikes." 



Top: Micheal Reuter and his wife enjoy a ride. Bottom Left: ACF's Mobile Bicycle Shop. Bottom Right: Inside an ACF store.

Concerned About Cycling Along with Motor Traffic? Read on.

Sue Kropscott - Cycling Savvy

In the spring issue of *Michigan Bicyclist Magazine*, we discussed bicyclist lane control, or “taking the lane”, and how it is not only safe for a cyclist riding in the roadway but is also the most considerate lane position a cyclist can take in relation to motor traffic. Lane controlling cyclists are easier to be seen sooner, communicate with motorists best, and ride defensively.

Because a bicyclist is much smaller and slower than other vehicles, cyclists worry about motorists being able to see them in time to stop. However, motorists can spot small object from far away rather easily. Have you ever been driving and spotted an object ahead on the road, wondered what it was, then realized it was a cat or a turtle when you got closer? Motorists can typically spot a small animal ahead of them on the road from a quarter of a mile away. They should spot cyclists riding directly in their sight line even more easily. When comparing small and large vehicles, small vehicles are easy to see; large vehicles are easier to see. Likewise, lane controlling cyclists are not “hard” to see; they are easy to see.

The chart below shows how far a car travels between spotting an object and stopping behind it at various speeds.

Roads are designed with this information in mind. Michigan uses the American Association of State Highway and Transportation Officials (AASHTO) guide for sight lines, or how far a driver can see in a given direction. AASHTO guides direct that roads be built to be longer than typically needed for a motor vehicle to come to a stop. For example, the length of the sight line guidance for a 60 mph road is 190

yards, compared to the 100 yards needed for braking distance. For a 30 mph design speed, the sight line guidance is about 70 yards, well beyond the typical 25-yard stopping distance.

What all this boils down to is that a motorist can spot a lane-controlling cyclist with plenty of distance for the motorist to slow or stop before hitting them. It makes sense, then, that hit-from-behind (rear-ending) is a rare type of crash, especially compared with the more common right hook, left cross, pull-out, doorings, and wrong-way riding crashes.

Motorists are good people. They are our family, our friends and neighbors, our coworkers. Motorists are just as concerned with avoiding crashes as cyclists are. When cyclists control the lane, they help motorists see them sooner, which gives motorists the information they need to slow or pass smoothly and safely.

Another concern about cyclists using a full lane is that traffic will be greatly slowed if motorists follow the same passing rules as they do for other drivers. However, in real life situations, this belief can be disproven.

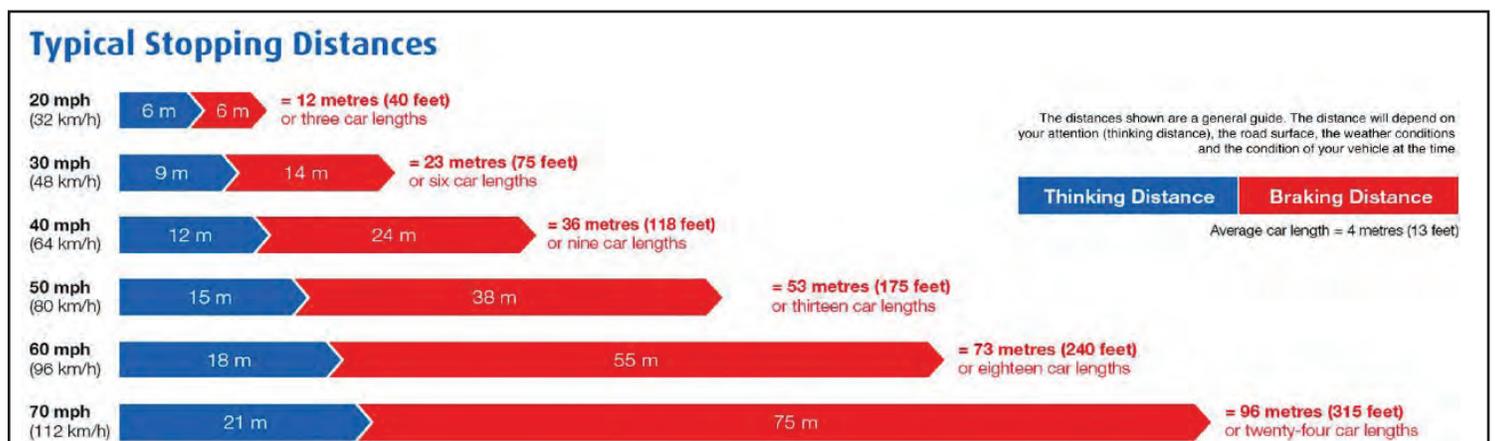
On any roadway, motorists and cyclists slow, stop, and yield right of way. The length of the delay when they do so varies. Many times, there is no delay at all. A motorist sometimes need to get around landscaping trailers, delivery trucks, and transit vehicles that are temporarily stopped on the road. How long do they have to wait? Until oncoming traffic clears enough to pass them. Many times, there is no delay at all. When motorists slow down or stop for garbage trucks and mail delivery vehicles working their way along the road, how long do they have to

wait? Until adjacent lane traffic clears enough for to pass. Many times, there is no delay at all. When motorists have to slow down for slower vehicles, including construction equipment, large trucks, bicycles, tractors, and other motor vehicles, how long do they have to wait? Until oncoming traffic clears enough for them to pass. Many times, there is no delay at all.

The length of delay is not determined by the object or vehicle motorists have to slow down for. The length of delay is determined by the amount of time it takes for traffic in the adjacent lane to clear enough to pass or proceed. In each example, there is the possibility that there is no delay at all. Encountering a cyclist results in no more delay than any other slow vehicle. In fact, since bicycles are small and slow, they are quicker and easier to pass than most any other vehicle. Delay is a normal part of the give and take of everyday traffic. Cyclists are simply part of the mix.

There are a lot of conflicting opinions and advice concerning safe cycling practices. This is due to the lack of widespread cycling education. Next time, we'll look at education's role in safe cycling for adults: what it is, why it is important, and how it is accomplished.

Sue Kropscott is a CyclingSavvy Instructor, LMB member, and life-long transportation cyclist. CyclingSavvy is an adult traffic cycling course, whose mission is to make a difference in people's lives by empowering them to use their bikes to go anywhere they want, safely and confidently, using any of the facilities available. For more information, visit cyclingsavvy.org 



Above: graph courtesy of cyberphysics.co.uk. Opposite: Slowing for a cyclist results in no more delay than any other vehicle a motorist has to slow for. Photo by Cycling Savvy.

Who Let the Dawgs Out

Todd Briggs & Sarah Colegrove - LMB Members

Most bicyclists have experienced the panic of being chased by an unleashed dog. Some of us even have ended up with a few teeth marks or have crashed as a result of avoiding Fido's pearly-whites. Have faith — the law is squarely on the bicyclist's side if an injury or equipment damage occurs due to a wild canine. Some of you might remember we published an article about dog bite law almost sixteen years ago. Surprisingly, the civil law as it pertains to dog bites has not changed much, but it is still relevant. We are also providing some new information relating to the potential criminal liability of dog owners.

When a dog bites you without provocation, the dog owner is strictly liable. The Michigan statute found at MCL 287.351(1) states:

If a dog bites a person, without provocation while the person is on public property, or lawfully on private property, including the property of the owner of the dog, the owner of the dog shall be liable for any damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

Keep in mind, dog owners are required to keep their dog on a leash. The Michigan statute is clear that it is unlawful for any person to own a dog aged six months or older to stray, unless it is held properly on a leash (See MCL 287.262). Very often, the local municipality will have a similar law on the books.

As for damages that result from being bitten by a dog, a dog owner is usually responsible for any injury or property damage that occurs. In the bicyclist's case, that may include personal inju-

ries or damage to your property such as your bicycle, clothing, helmet, or other equipment. Keep in mind that not all dog owners will be in a position to reimburse you for your damages. Thankfully, most homeowner's insurance policies provide coverage for personal injuries and equipment damage caused by an unleashed dog. If you are injured or your equipment is damaged, it is important to file a claim with the dog owner's insurance company. If you are seriously injured, it may be wise to consult with an attorney first. Important information to gather from the dog owner includes the dog owner's name, address, and homeowner's insurance company/policy number so a claim may be presented to the proper insurance company.

In addition to being subject to civil liability, the owner of a dangerous dog that kills a person is guilty of involuntary manslaughter. The owner of a dangerous dog that attacks a person and causes serious injury, less than death, is guilty of a felony punishable up to four years imprisonment, a fine of not less than \$2,000, community service work for at least 500 hours, or any combination of these penalties.

If an animal was previously found to be dangerous and the dog attacks or bites a person and the injury is not serious, the owner is guilty of a misdemeanor, punishable by imprisonment of not more than 90 days, a fine of up to \$500, community service for not less than 240 hours, or any combination of these penalties.

Lastly, if the owner of an animal that is previously adjudicated to be a dangerous animal allows the animal to roam at large, the owner is guilty of a misdemeanor, punishable by impris-

onment for no more than 90 days, a fine of no less than \$250, or community service work for no less than 240 hours, or any combination of these penalties.

We hope you have been riding enough this summer to be able to out-bike any dog chasing you. If you aren't so fortunate, we hope this information will be helpful. As always, should any rider have questions or concerns, please contact us or another experienced lawyer. Ride safely! 🚲



© 2018 Todd E. Briggs and Sarah W. Colegrove. Todd and Sarah are lawyers in private practice. In addition to helping athletes injured in bicycle and sports-related accidents, they concentrate in the areas of civil litigation, including personal injury, commercial litigation, probate, and estate planning law. Todd and Sarah are competitive cyclists, triathletes, and adventure racers. Each has competed in many state and national swimming, running, biking and triathlon competitions, including the Hawaii Ironman. You can contact them at:

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Top and center: Lisa and her fellow cyclists on a Tuesday ride.

My All-Woman Cycling Group Diary

Lisa Burris - Contributing Writer, Petoskey

Tonight while scrubbing away my perpetual mid-calf grease mark, I realized that I'm becoming a cyclist instead of a woman who likes bikes. For years I've wanted camaraderie in biking, but have struggled to find friends willing to climb the hills on the open road. In May, Latitude 45, my local bike shop shared a social media post about the formation of a woman's riding group. I committed quickly, adding the Tuesday night rides to my summer calendar, I desperately wanted into this club.

Tuesday, May 20th

We took the Little Traverse Wheel Way toward Charlevoix for our inaugural ride. I'm in my big ring, sifting through female riders, all ages and abilities. Every face is friendly. On the ride back the group clusters, I'm caught at a slower speed than I fancy. I choose to be polite over pushy, first impressions matter! I lower my gears and spin. While practicing patience I enjoy conversation with Kristen, who also likes to crank, we begin a cycling friendship that will coax me out of bed for 7:00 am rides throughout the summer.

Tuesday, May 29th

A familiar out-and-back on a beautiful road along the river. This is the first ride in a long time where I have felt genuinely fast. I'm sticking close to Jen, who's friendly, fit, and

fashionable. I draft then pull. I'm pedaling like my life depends on it while trying to remain cool. I emailed Jen that night, "was I following too closely? I'm only used to riding with my husband..." A quick response bounces back, "Not at all! Whatever we were doing seemed right. So glad you came today." Jen is friendly and fearless on open road. Riding is fun when she's involved.



Tuesday, June 19th

Hilly roads, my jam. I love rollers and am increasingly confident on both descents and inclines. I'm on fresh legs, feeling great.

"You're fast" the young lady over my shoulder calls.

"I'd like to be faster, especially on the climb."

"No, you're fast now! Be proud!"

I am getting much stronger as I ride more often.

Tuesday, July 10th

We ride to Harbor Springs and back on Beach Road. We partnered off, chatting and spinning along against a strong headwind. This was my only shot at a ride for the week. I lowered into the drops and committed to the road. I thought I heard a car over my shoulder and turned back prepared to announce the car for the other riders. Instead I was struck by a beautiful sight: seven sunglasses, bright jerseys and strong legs willing bicycles forward, the soft hum was female powered. I pulled until the road curved to an end. As I dropped to the back, passing women cheered "Way to pull! Great job!" It feels good to work with a team.

This summer I've built confidence in my riding. I'm comfortable following and leading. I'm logging miles and building muscles I've never had before. A group of women cyclists have built me up in ways I never anticipated, they push me to go harder and farther and along the way they've become my friends. 🚴

Origin of the DALMAC Fund

Ken Hendrick - LMB Member

In 1970, then State Representative Dick Allen introduced a bill in the Michigan House to create a bicycle path along the Great Lakes. The bill was ultimately referred to the House Parks and Recreation Committee. Because of the content of the bill, which included road routes along the proposed path, Dick felt the House Roads and Bridges Committee was more appropriate to hear the proposed legislation.

Dick approached the Chairman of the House Roads and Bridges Committee to ask why he would not hear his bill. "Because it deals with bicycles" was the reply he got. Even though the bill included bikes on roadways, the Chairman expressed his opinion that bicycles did not belong on roads, but rather on sidewalks. To prove that bicycles can safely ride on Michigan's roadways, Dick asked the Chairman how he would feel if Dick rode his bike from Lansing to Mackinaw and arrived in one piece. The Chairman responded, "You couldn't ride your bicycle from Lansing to Mackinaw". Dick proved him wrong by making the ride.

That first ride eventually became the DALMAC (Dick Allen Lansing to Mackinaw). Interest in the tour grew so much that Dick approached the Tri-County Bicycle Association (TCBA) in Lansing to take over and run the tour. The ride continues to be one of the largest bicycle tours in the USA that is entirely run by volunteers.

As part of the agreement between Dick and TCBA, Dick included a provision that 50% of the net revenue generated by DALMAC would go into a special fund called The DALMAC Fund. Established in 1975, this fund would be used to fund bicycling related projects around Michigan.

The DALMAC Fund made its first contribution to bicycling in Michigan by donating a tandem bicycle to Lansing's St. Vincent Home for Children in 1976. This was a modest start toward realizing the vision of Dick Allen. Since then, DALMAC's success has allowed the Fund to



Above: Dick Allen in 1975. Bottom: DALMAC riders pose with Dick Allen, third from the left.

"You couldn't ride your bicycle from Lansing to Mackinaw," the Chairman of the House Transportation Roads and Bridges Committee speaking to Dick Allen, a member of the Michigan House of Representatives.

grant over one million dollars to a variety of bicycling activities in Michigan ranging from safety and education programs to bicycle trail development. Marking its 48th anniversary in 2018, The DALMAC Fund will continue to contribute to the vitality of bicycling in Michigan for many years to come thanks to the dedicated TCBA volunteers and the hundreds of riders who enjoy DALMAC each year.

Applications for the DALMAC Fund open in early spring. For more information about the DALMAC and the DALMAC Fund, please visit: www.biketcba.org 



BOOK NOW

RIDE THE RAILS TO MICHIGAN TRAILS!

Great news, bike lovers! You can now bring your own bike on Amtrak Michigan trains. With this additional service at a nominal charge, some of the most popular destinations across Michigan and the Amtrak MidwestSM network are now connected with bike-friendly trains. Ride the rails and connect to the trails, such as:

- Rouge Gateway Trail in Dearborn
- Falling Waters Trail in Jackson
- Kalamazoo River Trailway in Kalamazoo
- Musketawa and White Pine Trails in Grand Rapids
- Lakeshore Trail between Holland and Grand Haven
- Lansing River Trail in Lansing and East Lansing
- Bridge to Bay Trail in Port Huron
- And bike friendly streets all across Michigan

These are all just a small sampling of recreational trails Michigan has to offer. Visit www.AmtrakMichigan.com for more information.



Amtrak Expands Bikes on Trains

Aneta Kiersnowski

Bicycle facilities on trains offer a multitude of benefits. Not only does it allow tourists to access the many trails and bicycle routes, resulting in increased revenue to the area, but it also allows Michiganders connectivity to those same routes.

For a number of years, LMB advocated for bikes on trains, asking the Michigan Department of Transportation (MDOT) and Amtrak to prioritize allowing bicycles on-board Michigan's three Amtrak routes. In 2013, LMB collected 3,550 signatures from Michiganders in support of this service on the railways. Amtrak and MDOT answered the call by modifying railcars on the Blue Water line to create an area to bring in and

secure up to four bikes per train.

In 2016, Amtrak took another step by incorporating checked bike services onto its Pere Marquette Line, which operates daily between Grand Rapids and Chicago, via Holland and St. Joseph-Benton Harbor.

This July, Amtrak further answered the call by launching bicycle service on Amtrak's popular Wolverine line, connecting Ann Arbor, Dearborn, Kalamazoo, Battle Creek, and more. Amtrak and MDOT invited LMB, as well as bicyclists in Dearborn, Ann Arbor, and Kalamazoo, to the launch of this service on July 25th, 2018.

Roll-on bicycle service allows riders to reserve a

space for their bicycle at the time they purchase their ticket, typically \$10 a ride, and then simply hand their bike over to the conductor when they board. Bikes are safely and securely mounted for the duration of the train ride. Currently, this service allows for standard bicycles and is not able to accommodate handcycles, tricycles, etc.

Adding bicycle facilities on Amtrak trains would bring a multitude of benefits, including increased tourism and a seamless, safe way for Michiganders to link up their own trips within the state. LMB looks forward to seeing this service further expand. 



Bicyclists in Dearborn prepare to board their bicycles on the inaugural train ride of Amtrak's new service.

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