

## HB 1263 – VEHICLE LAWS – OVERTAKING AND PASSING BICYCLES

The Maryland Horse Council (MHC) is a membership-based, umbrella trade association of the entire horse industry in Maryland. Our membership includes over 40 breed, interest and discipline associations, plus horse farms and stables, horse related businesses, and horse owners representing all facets of the Maryland equestrian community, from the owners of race horses to the owners of trail horses or just beloved retired companion horses. As such, we represent over 30,000 Marylanders.



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MHC has two concerns related to the impact on public safety that may occur if HB 1263 – which would allow vehicles to cross a double yellow line in order to pass a bicycle (but no other slow-moving vehicle) – is passed and implemented:

1. The bill would not change existing law with respect to double yellow lines, and so would have no apparent legal effect.
2. Were the bill to be amended to change existing law with respect to double yellow lines, it would pose a substantial and unwarranted public safety risk and would undermine the State Highway's Authority to decide when passing is permitted.

In addition, MHC has a concern about the portion of the bill that would remove the so-called "narrow road" exception to the "3-foot rule." Repealing the narrow roads exception would impede substantially the smooth and safe flow of traffic on rural roads for residents and businesses, a hardship that is not warranted solely for the recreational convenience of a small group of Marylanders.

### Existing Law re Solid Yellow Lines

In Maryland, a solid yellow line means that the State Highway Administration (SHA) has determined that the road is one where "overtaking and passing or driving on the left . . . would be especially dangerous." MARYLAND CODE ANN. § 21-307(a) (No-Passing Zones). SHA uses a double yellow line to indicate that the road carries the "maximum restriction" for passing. SHA MANUAL, PART 3 -- MARKINGS, at 412. Double yellow lines prevent accidents by minimizing the risk of driving into oncoming traffic.

The proposed bill would, if passed, permit motorists to cross a solid yellow center line in order to pass and overtake bicycles except when the motor vehicle is approaching the crest of a hill; is on a curve with short sight lines; or is within 100 feet of a railroad, bridge or tunnel. Those are precisely the circumstances that cause SHA to impose a solid yellow line in the first place. See MARYLAND CODE ANN. § 21-305.

As a result, the bill would have no effect on existing law.

## Public Safety Impact of Changing Existing Law on Solid Yellow Lines

Were the bill amended to change the existing law on crossing solid yellow lines, the bill would then pose a substantial and unwarranted public safety risk.

Solid yellow lines exist to prevent accidents in areas where the risk of an accident is especially high. The especially high risk of passing in such areas exists whether the motor vehicle is passing another car, a slow-moving piece of farm equipment, a pedestrian, or a bicycle. If the road is too dangerous to pass, then the type of object being passed is immaterial.

None of the data support that passing a bicycle is safer than passing another vehicle. In fact, a 2019 National Transportation Safety board report found that drivers overtaking bicycles is the leading cause of death for cyclists.<sup>1</sup>

The risk is also extremely high for the horse trailers. Maryland horse owners drive horse trailers on the rural roads on a daily basis. Horse trailers traveling within posted speed limits carry more forward momentum than the average motor vehicle because of the dynamic weight of the live horses – the more horses, the more momentum. As such, horse trailers cannot brake or accelerate as quickly as a passenger car. If a horse trailer were confronted with oncoming traffic traveling at common passing speeds, the driver of the trailer would have few options other than holding on and hoping for the best.

The risk in such a collision is not just to the drivers. Horses who are thrown forward in a trailer risk serious injury or death to themselves and the driver, and extracting horses from a wrecked trailer is a difficult, time-consuming operation involving large amounts of first responder resources. In addition, a frightened horse can get loose and create further havoc on the road.

These substantial risks exist even if the horse trailer itself is not the vehicle confronted with oncoming, passing, traffic. For example, if a trailer is traveling behind a bicyclist and a vehicle further back in line attempts to pass both trailer and bicycle, that vehicle could encounter oncoming traffic and cause an accident involving both the horse trailer and the bicyclist. Such a scenario would risk the lives of the horses, the driver of the trailer, the driver of the passing vehicle, the driver of the oncoming vehicle, and the bicyclist. The more bicyclists the vehicle is trying to pass, the higher the risk.

These concerns are not hypothetical. Two horses were killed in a July 2016 wreck in Maryland after a car cut-off the truck pulling the trailer. Last April, a horse died in Caroline County when a Virginia State Trooper collided with the trailer. And in 2015,

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<sup>1</sup> See NATIONAL TRANSPORTATION SAFETY BOARD, IMPROVING ROADWAY INFRASTRUCTURE FOR BICYCLISTS, available at <https://ntsb.gov/news/events/Documents/2019-DCA18SS002-BMG-2-ImprovingRoadwayInfrastructure.pdf>.



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a man, his dog, and three horses died in Ohio when a passing car swerved abruptly and slowed suddenly in front of the trailer.

Any Additional Risk On Narrow Roads is Unwarranted

There is no public policy reason to allow motorists to pass a bicycle but not any other slow-moving object on the road. There is nothing unique about cyclists – they are on the rural roads for recreational purposes only, and they already pose a danger to other users of the roads.



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The Narrow Road Exception to the 3-Foot Rule Must Stay

Current law requires that vehicles that wish to pass a bicycle must give the bicycle 3 feet of clearance, provided the road is wide enough for the vehicle to do so lawfully. If the road is not wide enough to permit 3 full feet of clearance, then the 3-foot rule does not apply. The reason is to prevent traffic from piling up behind slow-moving bicycles in the roadway, and to keep business and residential traffic moving safely and smoothly.

Most Maryland horse farms are on rural roads with two, 9-foot-wide lanes -- instead of the average 14-foot-wide lane – which roads typically carry solid lines between traffic. It is not possible to give a bicycle 3 feet of clearance in a 9-foot-wide lane without driving into oncoming traffic, a situation especially dangerous for horse trailers pulling live weight.

Were the narrow road exception to be eliminated, then school buses, livestock trailers, automobiles, and truck traffic would not be able to pass a bicycle at all, regardless of sight distances and the like, and traffic would back up for miles, waiting for an intersection or for the bicyclist to pull over voluntarily.

While we understand that recreational bicyclists prefer 3 feet of clearance because vehicles passing at 3 feet are less bothersome to the bicyclist, that preference is not sufficient to outweigh the important governmental interest in keeping traffic moving safely and smoothly for all Marylanders.

We urge the committee to give HB 1263 an unfavorable report.

Respectfully submitted,  
THE MARYLAND HORSE COUNCIL  
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