

BaltimoreCounty_FAV_SB0293.pdf

Uploaded by: Conner, Charles

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 293**

TITLE: Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties

SPONSOR: Senator Waldstreicher

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: January 27, 2021

Baltimore County **SUPPORTS** Senate Bill 293 – Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties. This legislation would establish specific penalties for an individual causing the serious physical injury or death of a vulnerable individual through distracted driving.

More than 3,500 public safety personnel and vulnerable road workers were injured, and 46 killed in work zone crashes across Maryland from 2014-2018. These workers place themselves in precarious positions to improve public infrastructure and keep our roadways safe. Current statutes do not offer the protections we owe our workers in return.

SB 293 seeks to address the problem by creating a new civil penalty in vehicle laws that specifically addresses the consequences of careless or distracted driving. Holding distracted drivers accountable for the damage that is done to pedestrians, highway work crews, and emergency service providers will lead to a safer Maryland. Baltimore County considers safety of our public safety personnel a critical issue of concern, and therefore considers this a high priority piece of legislation.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 293. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

BikeAAASupportVRU-SB293-20210125.pdf

Uploaded by: Korin, Jon

Position: FAV



Support SB293 Vulnerable Road Users

Bicycle Advocates for Annapolis & Anne Arundel County
P.O. Box 208, Arnold, MD 21012 www.bikeaaa.org

Senate Judicial Proceedings Committee
Annapolis, MD 21401-1991

January 25, 2021

Dear Chairman and Members of the Committee,

I am a resident of District 33, president of Bicycle Advocates for Annapolis and Anne Arundel County (“BikeAAA”), Chair of the Anne Arundel County Bicycle Advisory Commission, Member of the 2017 Maryland Bicycle Safety Task Force and Maryland transportation and recreation cyclist for over 20 years. On behalf of BikeAAA and it’s more than 1,000 members, I support Senate Bill 293. This bill will raise the duty of care for drivers when they encounter pedestrians, bicyclists, motorcyclists, wheelchair users and other vulnerable road users lawfully using or crossing our roads. They key benefits of this law include:

- Deterrence for bad driver behaviors around vulnerable users
- Fills gaps between ordinary traffic violations and more severe offenses and provides additional charging and penalty options for law enforcement, prosecutors and judges
- Allows stronger penalties for drivers causing serious injury or death
- Promotes public awareness of the threat posed by motorists near vulnerable people outside of vehicles
- Reverse the sad trend of rising pedestrian/bicyclist fatalities even as driver fatalities decline. **In Maryland, pedestrian and bicyclist fatalities rose from 96 in the first 3 quarters of 2019 to 100 in the first 3 quarters of 2020 (even with reduced driving due to COVID)**

This was the #1 legislative recommendation of the 2017 Maryland Bicycle Safety Task Force and is based on a model law provided by the League of American Bicyclists. It aligns with the Maryland Strategic Highway Safety Plan and Vision Zero program. Ten other states have Vulnerable Road User laws. Drivers of vehicles which are potentially lethal to lawful road users outside of vehicles should exercise greater care and face tougher penalties when they don’t.

In 2019 and 2020, the House unanimously passed a substantially identical bill.

Safe biking and walking promote health, reduce traffic, improve the environment and stimulate economic growth for all Marylanders. This bill will advance safe, active transportation.

Sincerely,

Jon Korin
President, Bicycle Advocates for Annapolis & Anne Arundel County

Tel: 443-685-4103

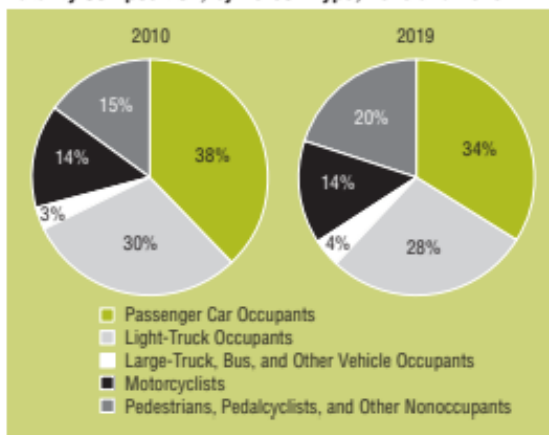
The percentage of fatalities of Vulnerable Individuals outside the vehicle (pedestrians, motorcyclists, bicyclists, etc.) continues to rise.

People Killed and Injured, by Person Type

The comparison of fatality composition between 2010 and 2019 are shown in Figure 3. The biggest change is in nonoccupant fatalities, as a proportion of overall traffic fatalities, increasing from 15 percent in 2010 to 20 percent in 2019. Considering the same comparison between 2010 and 2019, the percentage of passenger car occupant fatalities decreased from 38 percent of all fatalities to 34 percent in 2019. The percentage of light-truck occupant fatalities increased from 30 percent to 28 percent in 2019. The percentage of large truck, bus, and other vehicle occupant fatalities decreased from 3 percent to 4 percent in 2019. The percentage of motorcyclist fatalities remained at 14 percent in both years, and the proportion of large truck, bus, and other vehicle occupant fatalities increased from 3 percent to 4 percent.

The percentage of light-truck occupant fatalities decreased from 30 percent in 2010 to 28 percent in 2019. The proportion of motorcyclist fatalities remained at 14 percent in both years, and the proportion of large truck, bus, and other vehicle occupant fatalities increased from 3 percent to 4 percent.

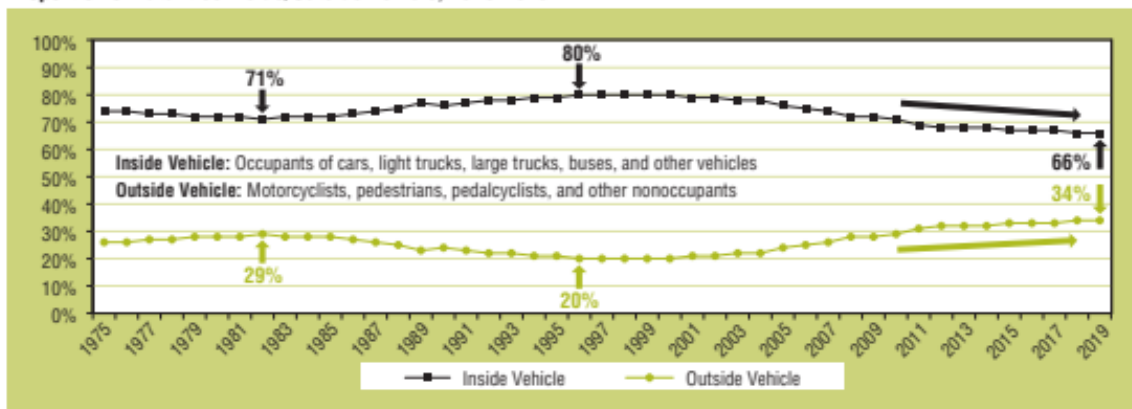
Figure 3
Fatality Composition, by Person Type, 2010 and 2019



Source: FARS 2010 Final File, 2019 ARF

The proportion of people killed “inside the vehicle” (occupants of passenger cars, light trucks, large trucks, buses, and other vehicles) has declined from a high of 80 percent in 1996 to 66 percent in 2019, as seen in Figure 4. Correspondingly, the proportion of people killed “outside the vehicle” (motorcyclists, pedestrians, pedalcyclists, and other nonoccupants) has increased from a low of 20 percent in 1996 to a high of 34 percent in 2019.

Figure 4
Proportion of Fatalities Inside/Outside Vehicle, 1975-2019



Source: FARS 1975-2018 Final File, 2019 ARF

Table 3 presents the change between 2018 and 2019 in the number of occupant and nonoccupant fatalities as well as the estimated number of occupants and nonoccupants injured.

Overall, most categories of occupant and nonoccupant fatalities decreased from 2018 to 2019 except for light-truck occupant fatalities, SUV occupant fatalities, and large-truck occupant fatalities.

Testimony updated 2021.1.27.pdf

Uploaded by: Rund, Joanne

Position: FAV

TO: The Honorable Delegate Kumar Barve, Chair
Members, Environment and Transportation Committee

FROM: Joanne R. Rund, Fire Chief
Baltimore County Fire Department

DATE: January 27, 2021

RE: SUPPORT - Senate Bill 293 - Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

The Baltimore County Fire Department has over 3000 career and volunteer personnel that respond to 12,228 roadside incidents over the last year. Incidents such as vehicle accidents, fluid spills, vehicle fires, public assistance and more. All of these types of calls put our first responders in harms way. Our personnel are trained to make the scene as safe as possible for the citizens as well as themselves. However, sometimes that is not enough.

Operations on roadways are high-risk, high-frequency events. With distracted driving, drivers under the influence, along with road and weather conditions and related traffic, firefighters are more at risk now than ever before. Every year there are reports of firefighters, ems workers, police officers and tow-truck drivers killed due to roadside accidents, not to mention all the near miss incidents that could have been fatal. Responders being stuck while working on roadways has become an almost daily occurrence.

There has been a national level urgency to all Fire Chiefs to continue to provide safety alerts and training program regarding roadway safety due to the national level of deaths and near miss incidents.

On a personal level, I have experienced losing a fellow public safety member to being struck and killed while working during speed enforcement on Rt. 32. The driver's only punishment for this was \$310 for negligent driving and speeding. Unfortunately, our loss is the life of a public servant.

It is our hope that if Senate Bill 293 is passed, it will help act as a deterrent to driving while distracted and help reinforce the Move Over laws we have in place today. It is for these reasons that I respectfully ask for a favorable report on Senate Bill 293.

Sincerely,
Joanne Rund

SB293_Nigel Samaroo_2021.pdf

Uploaded by: Samaroo, Nigel

Position: FAV

SB0293 – SUPPORT
Nigel Samaroo, MPH
Bike Maryland
nigel.samaroo22@gmail.com
(410)707-0703

SB0293 – SUPPORT

Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties
Senate Judicial Proceedings Committee
January 27th ,2021

Dear Chair Smith and Distinguished Members of the Judicial Proceedings Committee:

My name is Nigel Samaroo and on behalf of myself and Bike Maryland, I would like to thank you for allowing me to address you today regarding what I feel to be, very important and needed legislation for those of us who live in Maryland.

I am a cyclist who typically rides anywhere from 3-4,000 miles a year. On a clear, warm, sunny summer day on July 20th, 2017 in Columbia, MD, I decided to do a quick 20-mile bike ride before starting my workday. On my way back, I was t-boned by someone driving a minivan, resulting in my suffering a broken neck and paralysis on my right side. I was transported to Shock Trauma where I underwent surgery to fix my broken neck. During that time, I learned from the Police report that the person driving that day, saw me approaching in the opposite direction, and admitted to the police that he thought he could beat me in time to make his left turn onto US29 Northbound.

I have since through intensive PT and OT, regained the ability to walk and use my right arm and hand. Nevertheless, as I stand (sit) before you today, I am in constant 24 hours a day, 7 days a week pain in both my right and left side. I have since learned that spinal cord injuries take a very long time to heal and I am left because of this, with damage to my spinal cord that will require monitoring for the rest of my life.

The driver responsible for this received a ticket for failure to yield and a \$110.00 fine and continues to drive on the roads. Recently according to court records, his license has been suspended for failure to pay the fine. Also, according to court records, he has a prior conviction for speeding, 60 mph in a 45mph zone, and his license was also suspended at that time for failure to pay the associated fine.

Once he paid the fine, his license was reinstated. Currently, there is no legislation that would warrant a second look at those individuals who hurt someone through their gross negligence.

This bill will raise the duty of care for drivers when they encounter pedestrians, bicyclists, motorcyclists, wheelchair users and other vulnerable road users lawfully using or crossing our roads. The key benefits of this law include:

- Deterrence for bad driver behaviors around vulnerable users

- Fills gaps between ordinary traffic violations and more severe offenses and provides additional charging and penalty options for law enforcement, prosecutors, and judges
- Allows for stronger penalties for drivers causing serious injury or death
- Promotes public awareness of the threat posed by motorists near vulnerable individuals outside of vehicles

We need a Vulnerable Road User Law in Maryland.

Thank you for your time.

Respectfully submitted,
Nigel Samaroo, MPH

sb293 bob testimony.pdf

Uploaded by: Spanburgh, Robert

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the
Judicial Proceedings Committee

FROM: Chairman of the Board, Robert Spanburgh Jr., Abate of Maryland, Inc.

DATE: January 17, 2021

RE: **SB0293 – Vehicle Laws - Injury or Death of Vulnerable Individual –
Penalties**

POSITION: **FAVORABLE**

As Chairman of the Board of ABATE of Maryland and on behalf of all motorcyclists in our Great State we endorse passage of Senate Bill 293. Representatives of our organization have testified on behalf of passage of this legislation before.

Although we at ABATE of Maryland do not view ourselves as "vulnerable individuals" we are fully in support of legislation that would require anyone involved in a motor vehicle accident resulting in death or serious bodily injury to be required to appear in court of law. It is our view as an organization that ALL citizens should be afforded the fundamental right to attend court proceedings and actually see the party or parties involved with the loss and/or disfigurement of their loved ones.

We respectfully request a favorable report and vote from the committee for SB 293.

SB 293 - Vehicle Laws-Injury_Death of Vulnerable I

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: Judicial Proceedings

Testimony on: SB 293 - “Vehicle Laws – Injury or Death of Vulnerable Individual - Penalties”

Position: Support

Hearing Date: January 27, 2021

The Maryland Chapter of the Sierra Club supports HB 118, which would impose penalties when a vehicle driver is convicted of causing serious physical injury or death to a “vulnerable individual” when operating a vehicle in violation of certain provisions of the Maryland Vehicle Law. The bill defines a vulnerable individual as one who is on a sidewalk, footpath, crosswalk, or highway shoulder or who is providing emergency services on a highway. A vulnerable individual also would include someone who is lawfully operating a bicycle, motorcycle, motor scooter, tractor or farm equipment, animal-drawn vehicle, or wheelchair on a highway, shoulder, crosswalk or sidewalk.

Transportation is now the primary contributor to greenhouse gas emissions in our state. Tailpipe emissions from cars and trucks are also a major source of health-damaging air pollution. This means there is growing need to get individuals out of their cars, taking transit, riding bikes and walking more. However, doing so along busy roads isn’t as safe as it should be.

We live in a car-centric culture where transportation planning, road infrastructure and vehicle laws are largely focused on enabling vehicles to get to their destination as swiftly as possible. Unfortunately, this has resulted in some drivers feeling they have priority on the road, and that pedestrians and bicyclists have less priority. As a consequence, too many pedestrians, bicyclists and others lawfully operating on the side of the road are seriously injured or killed, and the potential penalty for a driver is minimal.

This bill could help bring about needed change. Any driver convicted of operating a vehicle in a careless or distracted manner that injured or killed a vulnerable individual would have to appear in court, pay a fine of up to \$2,000, and have their driver’s license suspended for 7 days to 6 months. They also could be ordered to participate in a motor vehicle safety course and perform up to 150 hours of community service.

In summary, this bill would address a significant problem with our motor vehicle laws, and we urge the Committee to issue a favorable report on it.

Brian Ditzler
Transportation Committee Chair
Brian.Ditzler@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

SB0293 - MVA SHA - Injury or Death of Vulnerable I

Uploaded by: Westervelt, Patricia

Position: FAV

January 27, 2021

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Support – Senate Bill 293 – Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) and State Highway Administration (MDOT SHA) supports Senate Bill 293 as an important highway safety measure that will expand efforts aimed at combatting reckless driving that leads to pedestrian injuries and fatalities.

Senate Bill 293 serves to strengthen and increase penalties around reckless or negligent driving offenses that are leading to an increase in serious pedestrian injuries and fatalities on Maryland roadways, including work zones. Namely, a driver who commits a violation of MD TA §21–901.3 and is convicted, will face a suspension of that driver’s license by MDOT MVA for a minimum of seven days up to six months.

The Vulnerable Roadway User bill comes as a recommendation from the Maryland Bicycle Safety Task Force (BSTF). The task force was a legislatively mandated group which brought together various roadway user groups, law enforcement officials, transportation planners, and engineers. Senate Bill 293 provides legal protection for vulnerable roadway users in that the offending motorist must appear in court. This requirement is based on a history of motorists who have injured or killed vulnerable roadway users, only to pay a fine for the offense and not have to appear in court. The action of appearing in court was recommended to help underscore the severity of the offense, in part by providing an opportunity for victims to address their losses in a court of law. Additionally, vulnerable roadway user laws reduce the double jeopardy exposure of the offending motorists by eliminating the prepay of the fine. The language of Senate Bill 293 only applies to motorists operating a motor vehicle in a careless or distracted manner or while committing another moving violation.

The safety of vulnerable road users is an issue that affects everyone in Maryland. Everyone is a pedestrian in some capacity at one point or another, including maintenance and construction workers in work zones. Many unnecessary injuries and fatalities occur because of intoxication, ignorance, or inattentiveness by either motorists and/or pedestrians.

The Honorable William C. Smith, Jr.
Page Two

Annually, Maryland drivers were involved in over 3,000 pedestrian crashes. In 2019, pedestrian crashes accounted for three percent of the State's approximately 116,000 crashes but accounted for 23 percent of statewide fatalities. Approximately one out of every four people killed in Maryland in a traffic crash was a pedestrian on foot. Maryland's roadways should be safe places for all transportation modes.

Nine states currently have some form of Vulnerable Road User law, which typically involve harsher penalties, requirements to appear in court, and other provisions to further protect people lawfully walking, biking, scooting, using wheelchairs, or operating farm vehicles on roadways. These laws have been enacted to add protection for these user groups due to their higher susceptibility to serious injury in roadway crashes.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 293 a favorable report.

Respectfully Submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Tim Smith
Administrator
Maryland State Highway Administration
410-545-0400

SB 293 Bike Law.pdf

Uploaded by: Wilborn, Peter

Position: FAV

SB 293 – SUPPORT

Vehicle Laws – Injury or Death of Vulnerable Individual – Penalties
Senate Judicial Proceedings Committee
January 27, 2021

Dear Distinguished Members of the Senate Judicial Proceedings Committee:

I am a Maryland lawyer (since 1996) who exclusively focuses on serious bike crashes in Maryland and across the country. As the Founder of the Bike Law Network, I have handled many cases of catastrophic injury and fatality of Maryland citizens. I offer my written testimony in favor of Senate Bill 293, the proposed Vulnerable Road User (“VRU”) law currently before this Committee.

My work for cyclists began in 1998, the year my brother was killed on his bike by an underaged driver. Since then, I have represented far too many families who have lost loved ones in the dangerous epidemic on our roads. While traffic safety is increasing for the population as a whole, the risk to vulnerable road users is actually increasing. People in this category include pedestrians, bicyclists, those using wheelchairs or mobility devices, motorcyclists, highway workers on a highway, and law enforcement assisting stranded vehicles and making traffic stops.

VRU laws operate on the principal of general deterrence. These laws provide an increased penalty for road behaviors that lead to the serious injury or death of vulnerable road users. The goal is for drivers to be deterred from dangerously operating motor vehicles around those users. VRU laws are meant to fill legal gaps between less and more severe offenses, providing additional charging options to local prosecutors.

I have spoken to law enforcement and prosecutors who feel constrained by the current statutory system in which a bike crash is either a mere traffic ticket or a serious crime. Most crashes in the real world fall somewhere between these two extremes. A Maryland VRU law, as used in other states, fills the gap and gives much needed charging options to law enforcement of prosecutors.

Senate Bill 293 does an excellent job of balancing respective rights and responsibilities. Most importantly, SB 293 requires a mandatory court appearance (rather than the possibility of mailing in a fine) and allows for the discretionary sentencing of traffic safety education and community service. The passage of SB 223 will make Maryland roads safer for all users and make this State a model for other states to follow.

Respectfully submitted,

Peter Wilborn, Esq. / Bike Law

peter@bikelaw.com / 843-416-9060