



# FB4K

FREE BIKES 4 KIDZ  
MARYLAND

5178 Downwest Ride  
Columbia, MD 21044

17 February 2025

House Judiciary Committee  
100 Taylor House Office Building  
Annapolis, Maryland 21401

Greetings,

Attached please find our testimony in favor of HB0594.

Thank you for your time and attention,

Best regards,

Ted Cochran  
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Free Bike 4 Kidz Maryland is testifying in favor of HB0594.

Free Bike 4 Kidz Maryland is an all-volunteer 501(c)(3) non-profit organization that helps Maryland children ride into a happier, healthier, more independent childhood by providing bicycles and helmets to those in need. The public donates gently used bikes, we organize hundreds of volunteers to clean and refurbish them, and then in December we give them away with new helmets to children that are referred to us by schools, churches, nonprofit organizations, and government agencies. Since our establishment in 2019, we have given away more than 12,000 bicycles—over 3300 of them in 2024.



These bikes go to children from preschools to high schools, and we also coordinate with the Howard County Public School system to provide bikes for their bicycle safety education program and we encourage “bike to school” activities in other ways.

We are writing in support of HB0594 because, in our experience, safety education for cyclists (and drivers!) is not enough, and our older bicycle recipients, riding to wherever they need to go, must ride on roads that many Maryland drivers (and, therefore, Maryland jurors) treat as if roads were built for them alone. Deaths of vulnerable road users in Maryland have increased every year since 2020, comprising over 600 fatalities since 2020.

Even careful drivers may not be aware of the laws the legislature has passed in an effort to better protect vulnerable road users. It is clear from our experience that many drivers do not seem to know that:

- Bicyclists are not required to ride on the extreme right edge of the roadway when hazards exist or when operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane [MD Transportation Code § 21-1205].
- Most legal crosswalks are not marked, but they do exist at every intersection where roadways with sidewalks join [MD Transportation Code §21-101], and drivers are required to stop for pedestrians in them [MD Transportation Code § 21-502].

- Drivers entering or emerging from an alley, driveway, or building must stop before driving onto a sidewalk or onto the sidewalk area that extends across the exit and must yield the right-of-way to any pedestrian [MD Transportation Code §21-705].
- Pedestrians may walk on the road when no sidewalk exists [MD Transportation Code §21-506].

Of course, even drivers who understand the rules of the road often violate them, as we all know from observing speeds on our highways. In 2023 in Howard County, for example, more than 25,000 citations were issued for exceeding the speed limit in a school zone by 13 MPH or more (based on school zone camera data), despite the fact that the cameras were able to monitor speeds in our 200+ school zones less than 2% of the time. Red light cameras? Similar story.

And what about the drivers that willfully ignore the rules entirely? Those same Howard County school zone speed cameras have recorded speeds as high as 94 mph in 30 mph school zones, and 65 MPH doesn't even make the top ten violations list.

And of course, vulnerable road users are the ones who are hurt, or killed, when struck by vehicles, while drivers are rarely injured at all when they hit a vulnerable road user.

In Maryland's legal environment, unlike the law in 46 other states, vulnerable road users' behavior must be essentially perfect in the eyes of a jury—free from any negligence whatsoever—in order to recover the costs of their injuries from the drivers who injured them.

Pedestrians and cyclists must always walk or ride where motorists want them to be riding, regardless of road hazards and lane widths. They must perfectly predict the speed of cross traffic, regardless of the actual speed limit. They may never look down at the road as they are stepping off the curb, lest they be accused of inattention to traffic. They must always wear bright, reflective clothing, and they must never assume drivers will stop when they are supposed to and yield when they are required to. Otherwise, they may be found to be at least a little bit negligent for being struck, and therefore wholly responsible for their own injuries.

Clearly, the burden of due care has been placed entirely on the shoulders of vulnerable road users, despite the law ("Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any pedestrian" [MD Transportation Code §21-506]), because in the event they are struck by a driver, they are very unlikely to recover the cost of their treatment from the driver of the vehicle that struck them.

For vulnerable road users, the proposed bill brings Maryland's perspective on negligence closer to that of almost every other state. It recognizes that a pedestrian or cyclist that is mostly responsible for being struck should not be able to recover damages from others. It does not affect the current legal precedents on joint and several liability, nor the last clear chance doctrine. It simply better protects pedestrians and cyclists from the negligence of drivers.

In conclusion, we'd like the law to better reflect the responsibilities of drivers toward vulnerable road users, and we believe HB0594 is a good start in that direction. We urge you to vote in favor of bringing it to the floor.