



Bill: HB 1567 - Vehicle Laws – Bicycles, Motor Scooters, and EPAMDs – Passing (Pass Pedestrians Safely Act)

Position: UNFAVORABLE

Dear Chair, Vice-Chair, and Members of the Committee,

We strongly support the safety of all vulnerable road users — pedestrians, cyclists, and those traveling by assistive or other micromobility devices. It is precisely because of this commitment that we urge the Committee to find HB 1567 **UNFAVORABLE**. The bill as drafted is substantially redundant with existing law, fails to address a primary source of pedestrian safety concern, and creates requirements that are unworkable in practice and potentially harmful.

1. The bill does not address e-motos.

Much of the recent public concern about pedestrian safety near bicycles and micromobility devices stems from the proliferation of electric devices commonly called “e-motos” — vehicles that can be visually mistaken for a bicycle or a scooter, but far exceed the speed and power of [electric bicycles](#) or [low-speed electric scooters](#) as defined under Maryland statute. E-motos are already prohibited from trails and sidewalks and require licensure, registration, and insurance for road use. Enforcement is the challenge. HB 1567 does not address e-moto riders, who represent a far more significant hazard than people on bicycles. We share this safety concern and urge the legislature to focus attention on where the greatest danger actually exists.

2. The 3-foot vehicle passing requirement risks creating unintended negative consequences.

Maryland Transportation Code §[21-1205\(c\)](#) already requires cyclists to exercise due care when passing a vehicle — a flexible, context-sensitive standard that reflects real-world conditions. A rigid 3-foot rule, even qualified by *when practicable* cannot be maintained in a standard bike lane (typically 4–5 feet wide and designed for travel adjacent to parked vehicles and motor vehicle travel lanes), on narrow residential streets with on-street parking, when passing stopped vehicles in an adjacent travel lane, or when maneuvering around vehicles blocking a bike lane. Even some protected bike lanes do not have at least 3 feet of separation from nearby parked or stopped vehicles. It would not even be possible for cyclists to pass one another in opposite directions in a protected 2-way bike lane. These are not edge cases — they are everyday cycling conditions across Maryland (see below some representative images from existing bike infrastructure in Maryland). Critically, imposing a 3-foot clearance requirement inadvertently could expose injured cyclists to contributory negligence claims that would bar them entirely from recovering civil damages following a crash.

We are unaware of any other state that has adopted a specific minimum-distance requirement for cyclists passing motor vehicles. Nationally, cyclists are generally subject to the same broad “due care” or “safe distance” rules that apply to all vehicles when overtaking — as is already the case



in Maryland — no state has set a numerical threshold like 3 feet. Notably, Maryland does not impose a 3-foot requirement on drivers passing other motor vehicles or pedestrians.

Most states, including Maryland, do require drivers to pass people on bikes with at least 3 feet. This difference makes sense given the physics involved: a bicyclist passing a stopped or slow car poses very little danger to the car's occupants, whereas a multi-thousand-pound vehicle passing a bicyclist at speed is a serious safety risk.

3. The bill is redundant with existing law.

Bicyclists already are required by Maryland Transportation Code §§ [21-504](#) (through [21-1202](#)), [21-1202\(b\)\(3\)](#), [21-1205\(a\)\(4\)](#), [21-1205.1\(b\)\(2\)\(i\)](#) to exercise due care to avoid colliding with pedestrians, making part of this bill redundant. With regard to passing pedestrians, the law currently applies the same standard to people riding bicycles that it does to people driving motor vehicles: exercise due care. To the extent HB 1567 seeks to address cyclist-pedestrian conflicts, its provisions are largely duplicative. Adding new mandates on top of adequate existing law creates confusion without improving safety.

4. Context matters and a rigid 3-foot passing law is not safe or practicable in most places.

Safe passing distance between a cyclist and a pedestrian is highly context dependent. Cyclists must simultaneously account for approaching and passing motor vehicles, other cyclists, road debris, potholes, parked cars, curbs, physical obstructions, bidirectional pedestrian traffic, and the relatively narrow width of many shared-use facilities, like shared-use paths and trails. In many common situations — on shared-use paths and narrow roadways — maintaining 3 feet is physically impossible without creating greater danger for the cyclist and others. We are not aware of any other state with a similar requirement. We would not even introduce the concept of a 3-foot pass when teaching safe cycling to children or adults for fear that they might try to achieve that and put themselves in peril without improving safety for the pedestrian.

5. We support requiring audible signals on trails.

We support requiring cyclists to provide an audible warning when passing pedestrians. In practice, this is most relevant on shared-use paths and trails, where such conduct is typically already set by local trail rules and guidance. We do not oppose this provision but note that it does not justify the bill's more problematic mandatory distance requirements.

6. Safe infrastructure is the most effective remedy.

Pedestrians and cyclists are already navigating dangerous, inconsistent, and inadequate infrastructure — bike lanes, shoulders, sidewalks, paths, and crosswalks that appear and disappear without warning. Consistent, well-designed infrastructure — all-ages & abilities bike facilities separated from pedestrians in dense and congested areas; clearly marked shared-use paths wide enough for multiple people to travel next to, and pass, one another safely; calmer streets that allow more people to safely bike off sidewalks and trails; and, predictable traffic controls — will do far more to reduce potential cyclist-pedestrian conflicts than 3-foot passing requirements that are impracticable in most existing contexts.



For the reasons set forth above, we respectfully urge the Committee to find HB 1567 **UNFAVORABLE** and to recommend its withdrawal this session. There are several initiatives underway to address these and other safety issues including MDOT's Micromobility Safety Task Group and the Maryland Bicycle & Pedestrian Advisory Committee Legislative Subcommittee. We would be happy to work with the bill's sponsors on a thorough, stakeholder-inclusive review of existing code, enforcement challenges — particularly regarding e-motos — infrastructure gaps, and best practices for reducing conflicts between cyclists and pedestrians before reintroducing legislation in a future session.

We remain committed to working with the General Assembly and all stakeholders to advance genuine, effective safety improvements for everyone using Maryland's roads, trails, and shared spaces. Should you have any questions, please feel free to contact us at chair@bikemd.org.

Baltimore Bicycling Club

Baltimoreans for People Oriented Places

Bicycle Advocates for Annapolis & Anne Arundel County (BikeAAA)

Bike Harford

Bike Maryland

Bikemore

Bike HoCo

Frederick Bicycle Coalition

Maryland Eastern Shore Trail Network

Washington Area Bicyclist Association (WABA)







