

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2391

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Deanna Dally  
Operator's Signature

10/22/03

Date

2003 SENATE TRANSPORTATION

SB 2391

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2391

Senate Transportation Committee

Conference Committee

Hearing Date 2-6-03

Tape Number	Side A	Side B	Meter #
1		X	1415-end
2	X		0-3030

Committee Clerk Signature *Mary K Monson*

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on SB 2391 relating to the registration of bicycles and relating to the operation of bicycles.

**Senator John Syverson:** (District 45) (Meter 1500) This bill is the result of a constituent's concern. He wanted a bill submitted to enhance the safety for both bicycles and vehicles.

Offered an amendment removing the section of the bill requiring registrations. (Attached)

Read statistics and suggestions from the Consumer Product Safety Commission and an insurance company. Addressed laws of other states dealing with such things as riding single file, front and rear lighting equipment, reflectors, registration, and reflective clothing.

**Senator Trenbeath:** This amendment you are proposing would take the bicycle registration requirements out of the bill?

**Senator Syverson:** That is correct.

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Page 2  
Senate Transportation Committee  
Bill/Resolution Number SB 2391  
Hearing Date 2-6-03

**Senator Nething:** (Meter 2450) If we approve the amendment the only thing we are dealing with is on page 2 where we would require the single file except on designated roadways and the time period would change. The other different thing in the bill is the garment of reflective material.

**Senator Syverson:** That is correct.

**Senator Espegard:** It also raises the fine to \$35.

**Senator Syverson:** (Meter 2635) This would encourage the bicyclists to accept more responsibility for their riding patterns.

**Senator Nething** moved to accept the proposed amendment 30772.0102. Seconded by **Senator Espegard**. Roll call vote 6-0-0.

**Don Tilfoil:** Concerned with cyclists and walkers who don't wear reflective clothing.

**Gary Rath:** (Representing Boys Scouts) (Testimony attached.) Originally opposed to the bill.

With the attached amendments could support SB 2391. Introduced his scout members.

**Austin Verhasselt:** (Boy Scout Troop 123) (Testimony attached.) Originally opposed to the bill but now in support.

**Kyle Thomas:** (Student at Century High, Bismarck) (Testimony attached.) Spoke in opposition to SB 2391.

(Meter 3900) Discussion dealing with racing.

**Bud Mason:** (Retired Public Health Official) (Meter 4300) In favor of SB 2391. Bicycle rider who has ridden through many states. Most of the bikers are very cautious and law abiding.

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Date

Page 3  
Senate Transportation Committee  
Bill/Resolution Number SB 2391  
Hearing Date 2-6-03

**Dan Bauer:** (Mandan, ND) (Testimony attached.) Opposed to SB 2391 as written and as amended.

**Dennis Kemmesat:** (President of the North Dakota Cycling Federation) (Testimony attached.)  
Opposed to SB 2391 even as amended. Encouraged legislators interested in promoting the safety of bicyclists to contact and work with the North Dakota Cycling Federation whose primary focus is safety.

**Senator Bercier:** How do you feel about the fine?

**Dennis Kemmesat:** It might be a bit excessive. There should be a fine and cyclists should follow the same rules that exist for motorists. The bigger issue that exists is that motorists don't understand or respect the rights of bicyclists to be on the road.

**Tom Smith:** (Fargo, ND) Opposes SB 2391. (Testimony attached.)

**Representative John Warner:** (District 4) The bicyclist is a very important tourist industry in our area. Passage of this bill would damage the tourist industry.

**Rory Schell:** (Vals Cyclery) Opposes SB 2391. Concerned with safety. Have always taught cyclists to ride 2 abreast to be seen.

**Brian Beattie:** (Bismarck resident) (Testimony attached.) Opposes SB 2391.

**Senator Nething:** It seems like your feeling is that the law we have is pretty good right now.

**Brian Beattie:** Yes. The only change that I can see of merit is the rear light.

**Ron Luethe:** (ND Representative of the International Mountain Bicycling Association)

(Testimony attached.) Opposes SB 2391.

**Dick Messerly:** (Private citizen representing CANDISC Bicycle Tour) (Testimony attached.)

Opposes SB 2391.

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*Dennis Kemmesat*  
Operator's Signature

10/22/03  
Date

Page 4  
Senate Transportation Committee  
Bill/Resolution Number SB 2391  
Hearing Date 2-6-03

**Senator Nething:** Earlier testimony indicated that probably the single saving feature of this bill would be the requirement of the red light on the rear of the bicycle. Do you have any objection to that.

**Dick Messerly:** No objection. On the CANDISC Tour we actually urge that people not ride before light or after dark. For those who do, almost all have a flashing red light that is portable and we support that.

**Jennifer Morlock:** (Bismarck Retailer) Opposes SB 2391. Opposes the single file ruling. Recommends the flashing red light.

**Jim Gorder:** (Avid cyclist.) Referred to the part that addresses riding on the roadways and bicycle path, paragraph 3 line 4. As a racer most of his riding time is spent training going probably 25-30 mph. Bicycle paths adjacent to roadways are used by little children, people walking their dogs, and people walking two or three abreast. It is dangerous for everyone when cyclists ride on those paths going 20-30 mph.

**John Morgan:** (ND Cycling Federation) Opposes SB 2391. The current design of bike paths is for 10 mph.

**Rosie Sand:** (Meter 2434) Opposes SB 2391. Comments about the bike paths are valid. It is a poorly thought out law.

The hearing on SB 2391 was closed.

**Senator Espegard** moved a **Do Not Pass as Amended**. Seconded by **Senator Taylor**.

Discussion about the amendment. **Motion withdrawn**.

**Senator Nething** moved to reconsider action by which amendment was adopted. Seconded by

**Senator Espegard**. Roll call vote 5-0-1.

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10/22/03  
Date

Page 5  
Senate Transportation Committee  
Bill/Resolution Number SB 2391  
Hearing Date 2-6-03

**Senator Espegard moved a Do Not Pass on SB 2391. Seconded by Senator Taylor.**

For the record **Senator Bercier** wanted to make it clear that he is concerned with safety and thinks there is a chance to make a better bill. Roll call vote 5-0-1. **Passed.** Floor carrier is **Senator Espegard.**

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10/22/03  
Date

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/28/2003

Bill/Resolution No.: SB 2391

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill requires resident and non-resident owners of some bicycles to obtain a \$50 registration from the Department of Transportation before the bicycle can be operated on highways outside the geographical boundary of a city.

It is not possible to estimate the fiscal effect of this bill as it is not know how many bicycles would be required to be registered under the provisions of this bill. The Department will incur a small, indeterminate cost to administer the provisions of the bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2734	<b>Date Prepared:</b>	01/23/2003

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*Deanna D. Ball*  
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10/22/03  
 Date



30772.0102  
Title.

Prepared by the Legislative Council staff for  
Senator Syverson  
February 4, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2391

Page 1, line 1, remove "create and enact a new section to chapter 39-10.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the registration of bicycles; and to"

Page 2, remove lines 21 through 31

Page 3, remove lines 1 through 5

Renumber accordingly

Page No. 1

30772.0102

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*10/22/03*  
Date

Date: 2-6-03  
 Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2391

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Proposed Amendment

Motion Made By Senator Nething Seconded By Senator Espegard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espegard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Deanna Hall  
 Operator's Signature Date 10/22/03

Date: 2-6-03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2391

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass as Amended

Motion Made By Senator Espgaard Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor		
Senator Duane Mutch					
Senator Dave Nething					

*Withdrawn*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Dennis Hall  
Operator's Signature

10/22/03  
Date

Date: 2-6-03  
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2391

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Reconsider action by which amendment was adopted.

Motion Made By Senator Nothing Seconded By Senator Espegard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espigard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch					
Senator Dave Nothing	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Deanna Wallingford Operator's Signature      10/22/03 Date

Date: 2-6-03  
Roll Call Vote #: 4

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2391

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Senator Espegard Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espegard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch					
Senator Dave Nething	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Espegard

If the vote is on an amendment, briefly indicate intent:

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Deanna Hallen 10/22/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
February 7, 2003 8:27 a.m.

Module No: SR-24-1936  
Carrier: Espegard  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2391: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT**  
**PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2391 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-24-1936

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*10/22/03*  
Date

2003 TESTIMONY

SB 2391

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*Deanna Hakkar*  
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10/22/03

Date

Senate Transportation Committee

SB2391

Mr. Chairman, Members of the Committee:

For the record my name is Gary Rath from Bismarck. I am appearing today as a volunteer adult leader with Bismarck Boy Scout Troop 123 in opposition to Senate Bill 2391.

Mr. Chairman, Troop 123 frequently sponsors bike hikes as part of the requirements for the Cycling Merit Badge. We have made an effort to include all Scouts—including some with both physical and fiscal challenges. We have included trips to both western and eastern North Dakota in an effort to expose the Bismarck Scouts to all parts of the state.

Our major concern in SB 2391 is the fee of \$50 referenced in Section 4. This fee would make it more difficult to encourage certain young men to participate and to secure the necessary adult leaders.

I do support the efforts in Sections Two and Three to increase the safe operation of bikes.

If the committee determines that support for the bill is appropriate, I would like you to consider three amendments.

The first is to Section 3, line 18. I would encourage you to add that operators of a bicycles be required to wear an approved helmet.

The second is to change the age in Section 4, line 27 to eighteen.

The third is to add to end of Section 4, ¶ 1: In addition, this section shall not apply to organized activities of youth groups such as boy scouts, girl scouts, 4-H clubs, school groups or church youth groups.

Mr. Chairman, in summary it is our position that we want to encourage safe, wholesome activities for our all young people and not put increased fees in place that will discourage a high level of participation.

With me today are Scouts Jake Peterson, Ross Wolf, Ani Mendieta, Jon Brackett, Brandon Perkins, Mike VanVleet and Austin Verhasselt. They have all participated in back packing and cycling activities that have taken place in North Dakota. Mr. Chairman and members of the committee, I would like to yield to Austin Verhasselt. Austin is a Life and soon to be Eagle Scout with Troop 123 for a few comments from the perspective of these Scout bikers.

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10/22/03  
Date



SENATE BILL 2391

Mr. Chair, Members of the Committee:

For the record my name is Austin Verhasselt from Bismarck. I am appearing before you today as a member of the Boy Scouts from Troop 123 in opposition to Senate Bill 2391.

Mr. Chairman, Troop 123 sponsors out-of-town bike hikes as requirements for the Cycling Merit Badge. We do two five-mile hikes, two ten, two fifteen, two twenty-five and one fifty miler. Our trips have included both Eastern and Western North Dakota.

My major concern in SB 2391 is the fee of \$50 referenced in Section 4. This fee would hinder participation in our Cycling Merit Badge program. Plenty of young men love to enjoy the outdoors. Bicycling would allow them to accomplish this and receive an intense workout. Candisc is a cross-state journey by bicycle. It is required for them to travel outside the city limits to complete it. The fifty-dollar fee would hinder that trip in terms of membership.

Changing the age in section 4, line 27 to eighteen would be more beneficial to the public. Tourists frequently visit Medora and take advantage of the bike trails around there.

In Section 4, paragraph one we could add that this bill would not apply to organized youth groups such as boy scouts, girl scouts, 4-H clubs, church youth groups or school groups.

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Austin Verhasselt  
Operator's Signature

10/22/03  
Date

Mr. Chairman, in conclusion, I wish to express my feelings about the importance of highway bicycle riding and tourist interests in our state. I believe that we can resolve this issue without imposing a fifty-dollar registration fee.

Thank you for allowing me to speak. I would be happy to answer any questions.

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*Demetrius Bell*  
Operator's Signature

10/22/03  
Date

**SENATE BILL NO. 2391**

**Testimony in opposition  
By  
Kyle A. Thomas**

**Requirement that operators wear "outer garment with reflectionized material"**

What is meant by an outer garment?  
Jacket or a vest -- in July?

Best option -- on helmets and shoes  
Those aren't "outer garments"

Makes no distinction between on-road and off-road

People ride in shorts, a tee shirt, and sneakers  
Won't be able to any more without breaking the law

**Section 4 -- individual must display evidence of registration**

What if I borrow my younger sister's bike?  
Would I have to register her bike @ \$50.

Bike shop try outs -- Who would register?

Rentals -- Who would register?

Travelers - Will the Department of Transportation operate registration sites 7 days a week in every town in the state?

What does "intended to be ridden for long distances" means?

**Fees**

Same for \$70 bike vs. \$7000 bike

**Cost of path**

\$150,000 per mile (3000 bike registrations)  
Who will get the mile -- Fargo or Beach?

**Cost of registration**

Hard on people or families with multiple bikes

**Extra costs**

Hire someone to sell the registrations  
Buy computers to keep track of registrations

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*Dennis Hall*  
Operator's Signature

10/22/03  
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Train law enforcement officers

**Conclusion**

Bikes are investments – works of art.  
Non removable sticker will devalue our bikes  
Need to encourage biking

**Please give this bill a unanimous do not pass.**

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10/22/03

Date

Testimony on Senate Bill No. 2391, pertaining to the Public Hearing of the Committee on Transportation for the 58<sup>th</sup> Legislative Assembly of North Dakota, Thursday, February 6, 2003

Mr. Chairman and members of the Transportation Committee, my name is Dan Bauer. I live in Mandan North Dakota. I am not in favor of this bill as it is written.

I am and have been a recreational cyclist and a part-time bicycle commuter for the past 30 plus years, 18 of these in the Bismarck/Mandan area. My family and I use our bicycles for transportation, for health reasons, and as an outlet for family activities. Additionally, my family has been members of the Adventure Cycling Association (which is an organization of touring and recreational cycling) for approximately the last 20 years.

I believe this bill has several strengths:

1. In general, the replacement language of the bill is more straightforward and more easily understood than sections of the Century Code it replaces.
2. Section 39-10.1-07. Night time Lamps and clothing - Brakes This section changes the requirements for equipment needed for night time cycling from the use of rear reflectors to the use of lights projecting to the rear of the cycle. There is sound scientific evidence that reflectors are inadequate safety equipment for night cycling. The use of lights would provide a safer environment for both the cyclist and the motorist.

Unfortunately, there are a number of points to this bill that I find very troubling.

1. Section 39-10.1-05. Riding on roadway and bicycle path. I agree that a single cyclist on a public road should ride as far to the right in the vehicle lane as is practical. Unfortunately, this bill's requirement that two cyclists ride in single file would not improve highway safety. Indeed, the idea of riding as far to the right as practical trivializes the presence of the cyclist. It often leads to a situation where a passing motor vehicle does not take the presence of the cyclist seriously as a legitimate user of the road. This often results in the motor vehicle operator passing the cyclist much too closely, often without moving to a passing lane. Putting two or more cyclists into this situation simply obscures from view every cyclist but the last from the motor vehicle driver. Two cyclists riding side-by-side presents a much more "visible vehicle footprint" and requires the motor vehicle driver to acknowledge and, hopefully, treat the cyclists with the rights due any other vehicle.
2. ~~Section 4.~~ "A new section to chapter 39-10.1 of the North Dakota Century code is created and enacted as follows." This entire section (points 1, 2, and 3) does nothing to support or increase the safety of either the cyclist or the motor vehicle operator. The

Dan Bauer  
Operator's Signature

10/22/03  
Date

large registration fee is an onerous burden, and the targeted group is so narrowly selected that it cannot address any of the safety issues that exist between road cyclists and motorists. The provision that requires the registration moneys to be put into "bicycling paths and parts of the roadways designed specifically for bicycles in areas outside the geographical boundaries of a city" trivializes the issue of cyclist and motorist safety and seems placed only to confuse the true issues. Even the statement of "bicycling paths" is a misnomer. Current paths open to cyclists are multi-use recreational paths which are rightly used by people who wish to walk, jog, run, rollerblade, skateboard, push strollers, walk their dog, stroll and visit. I am unaware of any dedicated "bike lanes" in North Dakota, nor am I aware of any plans to build dedicated bike lanes.

The issue of cyclist safety <sup>is</sup> ~~will~~ not ~~is~~ addressed by this legislation. <sup>This issue will be</sup> ~~is~~ solved, as nearly all driver and vehicle issues are solved, with increased education and awareness by both cyclists and motorists. A cyclist on a public road should have the same rights and responsibilities as the operator of a motor vehicle. As a "slower vehicle of smaller mass" the cyclist must always be prepared to maneuver and make decisions based on that inequality of size and mass. This bill does not help either the cyclist or the motor vehicle operator understand or recognize the rights of the other user. As such, the bill is badly flawed.

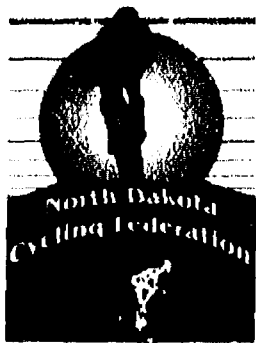
Finally, the Adventure Cycling Association has two national bicycle routes going through North Dakota; the Northern Tier route and the newly mapped Lewis & Clark Bicycle Trail. The Association encourages thousands of cyclists to travel by bicycle through North Dakota. These tourists, traveling back roads and highways through our state, are an economic engine for rural areas. All of us in the Adventure Cycling Association do not want to see any legislation that would discourage travel in this state. The adoption of this bill would do just that.

I wish to thank the committee for their time and this opportunity to share my views.

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Deanna Stalder  
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10/22/03  
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**Opposition to Senate bill #2391**

The North Dakota Cycling Federation, on behalf of our members, affiliated clubs, and bicycle dealers strongly opposes this bill for a number of reasons from which I would like to highlight 2 major points:

1) Bill 2391 proposes a \$50 license fee be assessed to all bicycles with 3 gears or more using highways outside of city limits. This fee is more than that presently being charged for licenses for motor vehicles such as snowmobiles and motorcycles as well as camping trailers or boats costing from a minimum of 10 to as much as 75 times more than that of a bicycle. In addition, bicycles have no impact on the highways or right of ways as do the motorized vehicles described prior. This proposed fee would also have a significant economic impact as well including retail sales of bikes and tourism dollars being spent in our state and our state parks. As an example, a resident purchasing a \$150 bike at a large retailer would have to pay over 30% of the cost in addition to the purchase price of the bike to ride it outside of city limits including our state parks. To take that one step further, a family of four with bicycles would be paying \$200 every two years to use their bicycles for casual riding and exercise. This fee would negatively impact use of existing trails and parks which in turn will have a negative impact on tourism dollars generated in the state. Also if such a fee were to be assessed to bicycles then it should also be assessed to walkers, runners, etc who are also using highways and recreational trails outside the city limits for exercise purposes. Touring riders traveling through the state would also be assessed the license fee which would force them to find alternate routes and thus spend their money elsewhere than in North Dakota.

2) Bill 2391 proposes that funds from this fee would be used for bicycle path construction throughout the state. After the additional expense required for enforcement of the license fee there would not be enough left for signs on the highways yet building new bike paths. The most recent bids for paved bicycle path construction in the state have come in on the average at about \$150,000 per mile. With the price for construction, it would take a significant amount of licenses to even fund a small portion of such work and again with the added strain that would be added to our law enforcement personnel to enforce the proposed law it would be a money losing proposition for the state and its taxpayers. I am sure that the taxpayers of North Dakota would rather have our law enforcement personnel chasing real law breakers as opposed to bicyclists who do not have their bike licensed. Additionally, this bill targets one outdoor activity to as a funding source for recreational

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*Deanna Hallmark*  
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10/22/03

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trails that would be used by multiple groups including walkers, runners, roller bladders, skateboarders and others of which bicycles are only a small percentage of use.


The North Dakota Cycling Federation supports development of recreational trails throughout the state, however, this particular bill does nothing to support that effort and in fact targets one outdoor activity with a fee that will neither fund more trails nor increase safety on our roads. This is a losing proposition for North Dakota recreation, tourism and the states tax payers.

Respectfully,



Dennis Kemmesat  
President  
North Dakota Cycling Federation

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10/22/03  
Date



Tom Smith  
505 8th St South  
Fargo, ND 58103

February 6th, 2003

Senate Transportation Committee of the 58th Legislative Session  
North Dakota State Legislature  
Bismarck, ND 58501

Senators,

My name is Tom Smith. I am a bicycle retailer and an avid bicycle tourist. I have twice had a chance to pedal my bike across a continent and today I'd like to testify to the importance of bicycle tourism to our state.

Many tourists to the state of North Dakota pass through in only a few hours; bicycle tourists spend a week. Their greatest impact, however, is not the money that they leave behind, deep in our most rural parts, but is that part of North Dakota they take with them.

Almost all touring cyclists cross the country from west to east. By the time that they arrive in my city, Fargo, they have ridden some 2000 miles on their route the the Atlantic. They have, in North Dakota, followed the scenery as it changes from western ranch lands to rolling wheat fields and finally to the Red River Valley. All have heard the distinctive call of the Western Meadowlark...all have seen the prairie rose, growing wild along our quiet back roads. North Dakota is truly shines at 15MPH.

They have met North Dakotans too. Likely more that they have ever before seen. These bicyclists share with us, many accounts of unbelievable kindness shown to them by the residents of our state. Frequently we receive postcards and pictures of cyclists at the northern seaboard, writing back to tell us that they have made their goal. All of the letters discuss North Dakota and help to prove that most every cyclists that has crossed our state leaves with a deep respect and appreciation for a state of which they had known so little.

After their tours, these riders return to their lives and their jobs in places like New York, San Francisco, and Atlanta. But they have made a journey and they have a story to tell. When asked by their friends, they will recount their experiences, and their time in North Dakota will be a part of it.

Bicycle tourists to our state easily number in the thousands, and together they sing a chorus of praise for the state of North Dakota. Passage of this bill silences that chorus.

Also, I am a bicycle retailer in Fargo, ND. We have a staff of 9 and we generate many thousands of dollars in revenue for the State of North Dakota by collection sales tax from our customers. Tax dollars that would go largely unrecoverable were it not for business like our as there are countless out-of-state channels from which residents would otherwise purchase cycling products.

We market our store in many different ways, but by far our most effective marketing program is one in which customers are encouraged to use the equipment they buy at our store. Each year we sponsor over 100 rides that help our customers get the most out of their purchases. In these rides we encourage children to ride more safely, we encourage competitive cyclists to train and become better racers, and we encourage riders of all abilities to get back on their bikes to enjoy better fitness and health. All of these events use the public roadways that are in question as part of this bill. The bill's author, in a past interview, states that cyclists have no right to the road as they do not pay taxes. Most assuredly, cyclists pay taxes to all levels of government. With regard to gas taxes, we pay the taxes too, on every gallon of gas our bicycles use.....do the drivers of small, fuel efficient cars have less of a right to the road than does the driver of a gas-guzzling Hummer H2? We do not damage the roadway, we do not contribute to congestion as we tend to find the routes with the lowest traffic volume, and we are much easier for a motorist to negotiate than, say a car traveling as 45MPH or a piece of farm machinery.

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In doing research with the League of American Bicyclists in Washington, DC, I learned that no other state has passed legislation similar to section 4 of this bill. While several states have bike registrations, very few are mandatory and most cost between \$1 and \$5. Jerry Solderberglbiberg of the Minnesota Cycling Federation has informed me that Minnesota's voluntary state wide registration law is simply to aid police forces throughout the state in returning recovered bicycles.....not to tax the cyclists or to prevent them from using the state's roadways. Passage of this bill would make North Dakota the only state with legislation designed to discourage, for bicycling, the use of its public roadways. This is contrary to so many other messages....The Presidents' Council for physical fitness features bicycle riders on its web site; bicycle usage is an easy way to reduce our country's dependence on foreign oil; our youth need to get back on their bicycles to get into better shape.... bill # 2391 is contrary to all of those needs. One customer recently said to me,..."You mean that before I can take my family on one of your Monday Night Family Rec Rides this summer, I'll have to cough up \$300?!" I'm here today asking you to assure that this is not the case.

With regard to Sections 2 and 3...The Uniform Vehicle Code, to which this state subscribes, endorses the current North Dakota law in which cyclists may ride 2 abreast. There are only three other states that have legislation similar to what is proposed in SB2391, and in one of those, Virginia, the legislature has cleared a bill through the senate that reverts state law to better conform to the UVC. I ask why should this committee endorse legislation that would move North Dakota away from accepted UVC guidelines. Section 3 calls for lights and reflective materials to be worn at times of darkness. Much of this section already is part of North Dakota law but other parts are too vague to understandably enforce and of too little benefit to justify passage.

Cycling makes contributions to the State of North Dakota in the form of Sales Tax revenues, providing an avenue for better fitness to its residents, careers for many of the people in this room. The modest revenue that this bill hopes to generate, could never cover the losses that it would cause. Please recommend "do not pass" on bill number 2391.

Thank you for your consideration,

Tom Smith  
Fargo, ND

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10/22/03  
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SB 2391

Thursday, Feb 6, 2003

Testimony of :

Brian Beattie  
3218 Crocus Av  
Bismarck, ND 58501

I am a recreational and racing cyclist. I have participated in the sport for over 20 years. Over those years I have acted as race and ride promoter, Prairie Rose State Games cycling commissioner, USCF licensed cycling coach, and USCF and licensed race official. The U.S. Cycling Federation is the governing body for amateur cycling in the U.S. An individual must receive training and pass a certification test to become licensed.

Because of this training and experience I am somewhat an expert on cycling safety. I am going to address safety issues for you today. I will present information that directly relates to this bill and also addresses some other issues in regards to accidents and trail design.

Bicycle accidents involve another motor vehicle 86% of the time, only a bike 11% of the time, and a pedestrian 3% of the time. Any attempt to improve bicycle safety must address the relationship between cars and bikes.

The majority of accidents for cyclist under the age of 14 occur when the bicycle enters the street in the middle of the block.

The majority of accidents involving older cyclist occur at an intersection. The majority of these occur when a cyclist is going straight and has the right of way and a car on the cross street fails to yield. The second most common accident is the motorist turning left into and cyclist going straight. Third is a motorist turning right into a bike. Eighty one % of the accidents are the fault of the motorist.

Cyclist infractions also contribute to accidents. Riding on the wrong side of the road is a factor 24% of the time. Running a red light or stop sign occurred in only 8% of the accidents. Drinking and riding was also named in 7% of the accidents.

From these statistics it is obvious that any attempt to make a significant change in bicycle safety must address children entering the street from a driveway or between parked cars and ways to prevent accidents at intersections.

Senate Bill 2391 does not address these issues so will not make a difference in accident rates.

The bill does address overtaking in proposing the change from allowing two abreast riding to requiring single file riding only. My research indicates that bicycle laws in

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almost every state are the same as North Dakota's. Two abreast riding and riding as far to the right as practicable seem to be universal.

The League of American Bicyclist is a leading group in this country for commuters and recreational riders. I have included copies of some of their fact sheets with my testimony. They try to define what "as far to the right as practicable" is.

They recommend leaving 3 feet of maneuvering room to the right. If the road has 1 foot of pavement to the right of the fog line that will place a bicycle 2 feet to the right of the fog line.

They also recommend that cars stay 3 feet away from a bicycle when they pass. If we assume a bicycle is 2 feet wide that would place a car safely passing a bicycle 7 feet to the left of the fog line. That means that a car must be straddling the yellow line to pass and must therefore yield to oncoming traffic.

A motorist must yield to oncoming traffic to safely pass bicycles riding single file so riding two abreast does not create a big inconvenience. Riding two abreast does create the perception that the cyclist are willfully obstructing the traffic behind. Generally cyclist know this a make attempts to not cause significant delays to overtaking traffic.

It is my experience and is recommended by riding experts to ride in a location that makes you visible and forces the over taking motorist to yield to you. This means the motorist should pull into the opposing lane to pass as they would any other vehicle. If there is traffic in both directions it is an option for the cyclist to move to the right and allow a motorist to pass at closer distance. This works well if the motorist has slowed to a safe speed.

The only way it is safe for a motorist to pass a bicycle with out slowing is for them to move completely into the opposing lane. If they are going to pass closer than that they need to have slowed significantly before they pass.

Two abreast riding also allows for passing among cyclists. We take turns riding at the front of the line because the leader is working harder breaking the wind for the following riders. The change in the law to single file riding does not allow for any of this passing.

Bicycle, or more correctly multiuse, paths are certainly a benefit to a community as evidenced by their popularity. However, they are not the best way for a cyclist to commute or for a cyclist to exercise seriously. The speed of traffic varies widely from 2 mph up to 20 plus mph. There can also be significant congestion. I believe firmly in the need for multiuse trails. I also know that there needs to be attention turned to bicycles as a means of transportation not just recreation.

Bismarck is a good example of this and the problems it presents. It is very difficult to get from north to south in Bismarck on a bicycle. The city is effectively cut in half between Front St and Bismarck Expy. You have a choice of riding on Washington, 3<sup>rd</sup>, 7<sup>th</sup>, or 9<sup>th</sup>

Streets or using the narrow sidewalks next to these streets. Ninth St is the only street that I don't consider a challenge to ride. There is a seldom used traffic lane to the right for most of the way. Bicycles on standard sidewalks is not completely legal since bicycles are considered vehicles in most but not all traffic situations.

Multiuse trails also make travel difficult. The current trend is to put up a stop sign at every intersection. These stop signs are even erected for future cross streets. Century Ave has several stop signs at intersections that have not yet had the cross street built. There is a stop sign but there is no possibility of traffic to stop for. This only encourages disregard for traffic control. There are also stop signs on other trails at town house driveways and a seldom used access road for golf course workers. All of these examples are found in Bismarck and probably elsewhere since the design standards are used every where.

By promoting this universal stop for all potential cross traffic you encourage riders to take to the street. This also is a change from the standard that people on the cross walk have the right of way. I realize that bicycles are moving faster than a pedestrian and must be treated differently but 5 stop signs in a third of a mile does not promote traffic flow. It is far easier to ride in the street but that is not legal.

A safety problem can also be found in the form of signage and utility pedestals in multi use paths. The League of American Wheelman recommends no signage in multiuse paths. Century Avenue does not follow this guideline. I am sure this is happening around the country or this recommendation would not need to be made.

I hope this information and my perspective will be use full to you as you deliberate S.B. 2391 and in your deliberations for other bills that may impact bicycles, pedestrians, or trails in North Dakota.

Thank you.

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## BETTER BICYCLING FACT SHEETS

### Lane Positioning

1. Ride on the right
  - Ride in the same direction as traffic; stay far enough away from curb to avoid hazards
  - Ride in the right third of the right-most lane that goes in the direction you are going
  - Take the entire lane if traveling the same speed as traffic or in a narrow lane
2. Visibility
  - Always ride in or near a travel lane; stay visible by riding where drivers are looking
  - Wear bright clothing at night as well as during the day
  - Do not pass on the right; motorists are not looking for other vehicles there
3. Parked cars
  - Ride in a straight line, not in and out of parked cars on the side of the road
  - Beware of cars merging into the roadway from a parallel parking position
  - Always ride far enough away from parked cars to avoid hitting a surprise open door
4. Take the lane
  - If there is insufficient road width for cyclists and cars
  - If traveling the same speed as other traffic or if hazards narrow the usable width
  - Before intersections and turns to assert your position on the roadway
5. Extra wide lanes
  - Do not ride completely to the right; you will be more visible 3-4 feet away from traffic
  - Right turning cars and cars entering will be more likely to see you before they turn
  - Be careful of motorists passing on the right around left-turning vehicles

### More Tips

#### **League of American Bicyclists**

1612 K Street NW  
 Suite 800  
 Washington, DC 20006-2082

Phone: 202-822-1333  
 Fax: 202-822-1334

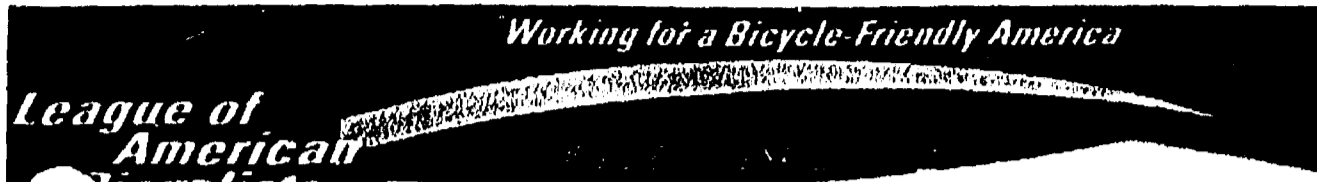
E-mail: [bikeleague@bikeleague.org](mailto:bikeleague@bikeleague.org)

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10/22/03  
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## BETTER BICYCLING FACT SHEETS

### How Far Right?

1. Laws
  - Most bicycle laws use the same language regarding where cyclists should drive
  - Directions to ride "as far to the right as practicable" appears in most laws
  - No clear definition of practicable has been identified
2. Safety
  - Do not ride where you are subject to poor road conditions constant hazards
  - Give yourself ample room to your right to maneuver in an emergency
  - Ride in the right third of the lane if there is not sufficient room for lane sharing
3. Traffic rules
  - Slower moving vehicles travel to the right of faster moving ones
  - Motorists are looking for other vehicles in or near the travel lanes, not against curbs
  - Follow the same rules as motorists including yielding right-of-way and signaling
4. Wide lanes
  - Ride just to the right of the travel lane to remain visible to other motorists
  - Ride at least 3 feet from parked cars in all situations; consider this a right side limit
  - Always ride in a straight line; do not swerve between parked cars
5. Hazards
  - If a lane narrows ahead or is blocked by a bus, establish your position in traffic early
  - Avoid riding where glass and other trash accumulates on the right side of roadways
  - Grates and gutterpans should be avoided by positioning yourself away from them

### More Tips

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#### League of American Bicyclists

1612 K Street NW Phone: 202-822-1333  
 Suite 800 Fax: 202-822-1334  
 Washington, DC 20006-2082 E-mail: [bikeleague@bikeleague.org](mailto:bikeleague@bikeleague.org)

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### BETTER BICYCLING FACT SHEETS

#### Crash Types

##### Motorist at Fault

Crash Type	Frequency
Motorist turn/merge into cyclist's path	34%
Motorist driving out from a stop sign	16%
Motorist exiting driveway/alley	10%

##### Adult Cyclist at Fault

Crash Type	Frequency
Cyclist turn/merge into motorist path	6%
Cyclist overtaking motorist	6%
Cyclist rideout at traffic signal	5%

##### Children

Crash Type	Nonfatal	Fatal
Cyclist stop sign violation	17%	12%
Cyclist unexpected turn/swerve	14%	16%
Cyclist rideout	14%	15%
Motorist overtaking	10%	38%

Sources: Cross K.D., and Fisher, G., *A Study of Bicycle/Motor Vehicle Accidents: Identification of Problem Types and Countermeasure Approaches*, Volume I, Washington, DC, NHTSA, Sept 1977, PB 282 280.

Ross, Arthur, *How Bicycle Crashes Happen*, Madison Department of Transportation, Madison, WI, 1992.

#### More Tips

#### League of American Bicyclists

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10/22/03  
Date



Ron Luethé  
Aileen Steinolfson-Luethé  
North Dakota State Representatives  
International Mountain Bicycling Association (IMBA)  
1918 Houston Drive  
Bismarck, ND 58504-7207  
(701) 255-7822

As ND IMBA Representatives, we strongly oppose Senate Bill No. 2391. The current chapter 39-10.1 of the North Dakota Century Code is more than adequate to cover the safety issues concerning bicycle use on ND highways.

It is unclear if mountain bikes, normally ridden on unpaved, off road trails are exempt from this provision. If a mountain bike were ridden on a highway, would a fee be required for the mountain bike?

The \$50 fee is more than we pay for a license for our car. It is also more than most licenses for motorcycles, snowmobiles, campers and boats. We also pay taxes to maintain the roads in North Dakota.

We have ridden in the Cycling Around North Dakota in Sakakawea County (CANDISC) several times. We have seen the positive impact all the hundreds of riders have on the small communities in North Dakota. Out of state bikers, once they see North Dakota want to come back again and bring additional family and friends. Putting a \$50 fee would negatively impact bicycle use in North Dakota, which would negatively impact North Dakota's tourism dollars. People with families over the age of 14 would not be able to afford to return to North Dakota to bike. Four people would be an additional \$200.

We have also ridden our mountain bikes in North Dakota's beautiful badlands. A few years ago we would seldom see another bike rider. The amounts of bike riders have significantly increased and allot of the people we have met are from out of state.

With the Lewis and Clark Bicentennial upon us, North Dakota needs to do everything possible to attract people to North Dakota to explore the routes of Lewis and Clark. Recreational biking is becoming more popular, a wonderful way to explore North Dakota. We have beautiful scenery, quiet rural roads and great people.

North Dakota needs bike friendly roads and trails and needs the support of its legislature, but this is not the way.

/s/

Ron Luethé  
Aileen Steinolfson-Luethé

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10/22/03  
Date

SENATE BILL NO. 2391  
TRANSPORTATION COMMITTEE  
Senator Thomas L. Trenbeath – Chairman  
February 6, 2003

Thank you Mr. Chairman, Senator Trenbeath and committee members for allowing me the opportunity to present testimony concerning SB 2391. My name is Dick Messerly from Garrison, ND I am here as a private citizen representing CANDISC Bicycle Tour (Cycling Around North Dakota In Sakakawea), The Garrison Chamber of Commerce and Garrison Area Improvement Association. These groups have given me permission to speak on their behalf. My main goal this morning will be to tell you about the CANDISC Bicycle Tour and the potential effects of this bill.

**History of CANDISC:** The CANDISC Bicycle Tour was started back in 1992 by the Garrison Chamber of Commerce Tourism Committee to promote tourism in North Dakota including the Garrison area. The first tour was held in 1993 and has now been operating for 10 consecutive years with 2003 being the start the tour's 11<sup>th</sup> year. CANDISC is a 7 day bicycle tour which typically covers over 400 miles stopping overnight in 7 different communities or host sites. It attracts bicyclists, up to 500, from across North America and the past several years has attracted participants from over 30 different states and provinces annually. CANDISC riders have logged around 126,000 rider hours covering over 1.2 million rider miles in the 10 year history.

**Economic and Tourism Impact:** There are many different economic and tourism impacts to look at concerning CANDISC. In the year 2000 an economic impact survey was done during the tour to gain economic impact data. That year 480 cyclists participated in the ride. The total economic impact was \$318,000. Dollars strictly spent in North Dakota during the 7 day tour were \$90,685 or about \$13,000 each with most spent in the small rural overnight communities. CANDISC spends between \$30,000 to \$40,000 each year to operate the tour most of it is spent in North Dakota. CANDISC gives back over \$4,000 each year the overnight communities and rest stops.

CANDISC has always had over 50% participation from out of state and the last two years that number has increased to 62%, many of the riders are in our beautiful state for the first time and make plans to return after experiencing North Dakota on a bicycle. The media exposure has also been significant including articles in *Bicycling Magazine*, *Double Talk* (national tandem magazine), *Freewheeling' Magazine*, *Spokane Washington Review* Sunday paper Outdoor and Travel Section and *Billings Gazette*. Plus all the local coverage within North Dakota including day by day coverage in the *Minot*, *Grand Forks* and *Williston* newspapers and lots of TV coverage especially from *Bismarck* and *Minot*. CANDISC direct mails over 10,000 brochures and 1,000 posters including mailing to all the known bicycle shops in an 8 state area within about a 500 mile drive of North Dakota. I would ask what is the marketing value to North Dakota all at CANDISC expense? Last year CANDISC received the GNDAs Tourism and Recreational Development Award for the entire state.

Letters, comments and articles received: 1. Email from Annette Demmink Rockford, Michigan 2. Letter from Dodey Manley Mandan, ND 3. Letter from Don Henry Pittsburgh, PA 4. Article from *Double Talk Magazine* 5. Article in *Spokane Washington Review* (North Dakota is hilly)

I present this to say I think SB2391 will be very negative to the impact CANDISC is making for the state of North Dakota. This event is put on by 300 to 400 volunteers most doing it for the love of their state to show off its natural beauty and welcome guests to their communities and region. If the cyclist were asked to pay an

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10/22/03

Date

additional \$50 to register their bicycle that would mean a 42% increase in the cost of riding on CANDISC, this would not allow the tour to be competitively priced. A large percentage of the cyclists on CANDISC are time recreational riders. Would they be willing to pay an extra \$50 to ride on the tour, probably not. Would out of state riders come on the tour if they had to purchase a \$50 registration fee for their bike, I'd guess not many.

My other concern for SB2391 is would there be any net gain for bicycle trails after the fees were collected? What will it cost DOT to administer the registration? What will it cost in law enforcement time to ticket the violators? I think there will be a net loss in state tax dollars if the bill becomes law. This is not to mention the individuals and families (some with many bicycles to register at \$50 each) who may never ride or enter the state to ride; meaning loss of merchant and tax dollars. Paved bicycle trail costs approximately \$100,000 per mile. In order to pay for one mile of trail per year it would require that 2,000 bicycles be registered each year.

CANDISC promotes safe bicycling and works with local, county and state law enforcement each year during the tour. So I would just like to make a recommendation regarding Section 39-10.1-05 paragraph 2. I would propose that it be amended to read: "Persons riding bicycles upon a roadway may not ride more than two abreast and shall be required to ride single file when motor vehicles approach from the rear." Many of North Dakota's rural roads have very minimal traffic and this would allow two bicyclists to ride side by side when no traffic is coming in their lane.

I would ask the Senate Transportation Committee to recommend a Do Not Pass on SB2391.

North Dakota is a wonderful state and our guests on CANDISC are finding that out too. As CANDISC bicyclist Don Henry from Pittsburgh, PA said "North Dakota is really a nice place to be for a week or even for a lifetime."

THANK YOU

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