

Scottsdale Cyclist's Fight For Her Life Ends

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Last week, [we reported](#) that a cyclist in Scottsdale, Arizona was fighting for her life after being hit by a passing garbage truck. We are sorry to report that [her fight for life ended yesterday](#), when she died at a Scottsdale hospital.

Cindie Holub, 53, was injured on the afternoon of February 24 while cycling east on Dynamite Boulevard. An unidentified Waste Management driver, 50, was traveling in the same direction, and attempted to pass Holub, who, according to reports, was riding on the "far right side of the road." As he attempted to pass, the right front of the driver's truck hit Holub, causing injuries that were described as "life-threatening" at the time of the collision. We have received an unconfirmed report that the driver was attempting to pass "despite oncoming traffic." According to this unconfirmed report, Holub had been training for a decathlon. [Update: Ms. Holub had been training for a triathlon]

[As we reported on Friday](#),

In Arizona, drivers are required to leave a minimum safe passing distance of three feet between their vehicle and a cyclist when passing. [This law has been on the books since 2000](#)—in other words, drivers have had ten years to familiarize themselves with the law, and adjust their behavior accordingly.

Despite this law, the driver attempted to pass Holub so closely that he hit her as he passed, even though she was riding on the "far right side of the road." In other words, there was simply no room for him to pass, and yet he attempted to pass anyway—and a human life was lost as a result of that decision.

Perhaps the driver "didn't see her." It is the most common excuse drivers make after hitting a cyclist. It's also tantamount to a confession that the driver was not observing his duties to keep a proper lookout, or to exercise due care.

Perhaps the driver was "blinded by the sun"—except he was traveling east, in the afternoon.

Perhaps the driver was simply unfamiliar with the Arizona law requiring him to pass cyclists with a minimum of three feet. Perhaps, but there is no excuse for ignorance of the law, even given the State's [near-total lack of enforcement](#)—and note that the law has been on the books for ten years. And if the driver is a licensed commercial driver, he is expected to be more competent than the average driver.

Knowledge of the law aside, how is it that this driver is so unacquainted with common sense that he would attempt to pass a cyclist when there is simply no room to pass?

Drivers have a legal duty to exercise due care in the operation of their vehicles, and because of this duty, cyclists have a legal right to travel in safety. Whatever his reason, Waste Management's driver did not observe his legal duty, and Cindie Holub paid the ultimate price for his failure. The truck driver has not yet been cited for any violations of the law, although the accident remains under investigation.

As we noted in [Traffic Injustice](#), it is often the case that drivers who injure or kill are inappropriately cited for lesser violations that don't accurately reflect the actual harm done. And as we noted in [Traffic Injustice II](#), this failure to appropriately charge drivers sends the wrong signals to drivers about what is expected of them. The failure of Arizona law enforcement to enforce the three-foot passing law has been sending the wrong signal to drivers for the past ten years; if this driver is not charged with an offense that reflects the fact that his violation of the law killed another human being, the criminal justice system will be continuing to send the wrong signals to Arizona drivers. However, because Waste Management is likely to be adequately insured, Cindie Holub may nevertheless receive some measure of civil justice; whether she will receive justice from Arizona's criminal justice system remains to be seen.