

Do Passing Distance Laws Really Protect Cyclists?

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[The Atlantic Cities: Do Passing Distance Laws Really Protect Cyclists?](#)

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Cyclists in the Keystone State have reason to rejoice. In April, a new safe-passing law went into effect requiring that drivers leave a berth of at least four feet between their vehicles and road-bound bicycles. The law makes Pennsylvania one of [20 states](#) with similar bicycle-passing requirements, a cause célèbre for biking advocates.

Most require drivers to stay at least three feet from bikers. Still, an important central question remains: do these laws make travel safer for cyclists, or are they hollow gestures that, when enacted, are easily ignored?

"A lot of times, people don't realize that cyclists have a legal right to the road," says **Bob Mionske**, U.S. Olympic cyclist-turned-cycling lawyer and the founder of [BicycleLaw.com](#).

At the end of the day, [share the road laws] do not challenge the car-centric, highway-building status quo in this country.

A study recently conducted in one city bears that out. Researchers at Johns Hopkins University in Baltimore gathered 10 hours of on-the-street video footage revealing that one in six of 451 drivers had violated Maryland's three-foot law. Since being enacted in 2010, there have been just two instances where the measure was enforced, and both times came after vehicle-bicycle collisions.

For these laws to work, cities must incorporate two key components - education and enforcement. Without those things, "the [three-foot] law is just something written on a piece of paper," says Mike Samuelson of the [Alliance Alliance for Biking & Walking](#).

Some of the necessary work involves engaging in dialog with local police departments before collisions to inform them of cyclists' safety concerns, something Samuelson's organization helps facilitate for its more than 200 biking and pedestrian groups throughout North America. In this sense, cyclists act as stakeholders in a broader movement that tries to make the roads safer, says Peter Wilborn, the founder of [Bike Law](#), a team of cycling lawyers working in North and South Carolina and Maryland. But how do you

enforce a law if you weren't around to [witness its violation](#)?

Part of the problem of the three-foot law is inherent to the law itself. "How is that going to stand up in a court of law?" asks Mionske. "How do you know what three feet is from 200 feet away?" And, Wilborn adds, they're easy to get passed and don't require much, if anything, in the way of funding—and, therefore, don't require significant enforcement.

The other issue is structural. According to the [Alliance for Biking & Walking's 2012 Benchmarking Report](#), biking and walking, while making up 12 percent of all trips in the U.S., account for 14 percent of all fatalities, yet receive just 1.6 percent of federal transportation funds.

"Politicians and planners have left us at peril," Wilborn says. "They never predicted that adults would want to ride bikes around." The catch here? Safety improves markedly for cyclists riding on streets with dedicated bike lanes. In their study, the Hopkins researchers found that "none of the 88 passes [by vehicles] that occurred in bicycle lane streets were three feet or less."

Wilborn holds up Europe, with its myriad stand-alone bike facilities and lanes, as the model. And although he thinks three-foot laws are a step, albeit it a small one, in the right direction, he isn't overly optimistic.

"I'm critical of the idea of 'share the road,'" he says. "At the end of the day, they do not challenge the car-centric, highway-building status quo in this country."