Aggressive and Unsafe Drivers vs. Cyclists, Round Two

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Last year, California nearly joined the growing ranks of states that are enacting 3-foot passing laws. The California Legislature did its part, passing a law and sending it to the Governor's desk. But Governor Brown shocked California cycling advocates when he vetoed the legislation. As if the veto wasn't shocking enough—placing him "squarely in Governor Rick Perry territory"—his rationale for vetoing the safety legislation was at least as shocking. As Bob Mionske wrote at that time,

> *"Under Senate Bill 910, motorists would have been required to pass cyclists at a minimum distance of three feet when the driver is traveling at speeds greater than 15 mph in a "sub-standard width lane." At speeds lower than 15 mph, the driver would still be required to pass at a safe distance. To help facilitate safe passing of cyclists, motorists would be allowed to cross over the center line to pass when it is safe to do so. And on roads where the lanes are wide enough "for a bicycle and a vehicle to travel safely side by side within the lane," motorists wouldn't even have to change lanes; they would be able to pass within the lane as long as they left a minimum three feet of clearance."*

But Governor Brown twisted the actual language of the bill, claiming that the new law would require drivers to slow to 15 MPH when passing a cyclist. Did you get that? Here it is again, in case you missed it: The law actually required drivers to give cyclists a minimum 3 feet of space when passing if the driver's speed is greater than 15 MPH, but Governor Brown claimed that the law required drivers to slow to 15 MPH when passing cyclists, and on the basis of that imaginary requirement, vetoed the law. Where on Earth did Governor Brown, a graduate of Yale Law School, ever come up with such a "creative" invention? Straight from the California Highway Patrol and the America Automobile Association, both of which used that imaginary language as a rationale for protecting aggressive and unsafe drivers.

But signaling his "wholehearted support" of bicycle safety—he actually said that in his veto statement—and his willingness to sign a safe passing bill, Governor Brown asked the legislature to send him a bill that addressed his concerns about the imaginary language he was opposed to.

Yeah, he did that.

And the Legislature took him up on it, passing a new safe-passing bill last

week that should address the Governor's imaginary concerns. Although the new law still mandates a 3-foot safe passing distance, it then lets drivers off the hook by saying that if they can't allow 3 feet when passing, they must slow to a reasonable speed when passing. In other words, the new law says that even if drivers pass cyclists at closer than 3 feet, the basic speed law still applies.

Will requiring drivers to follow the basic speed law arouse the ire of the California Highway Patrol and the AAA this time around? Will new imaginary language force the Governor to wield his veto pen yet again? Sometime this month, we will know just how much protection aggressive and unsafe drivers will have from the State.