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Dear Member of the Administrative Regulation Review Subcommittee:

I am writing in support of the proposed amendment to 601 Kentucky Administrative Regulations (KAR) 14.020 Bicycle Safety Standards. Kentucky is a wonderful state that has much to offer bicyclists and has much to gain by making bicycling a safer and more comfortable transportation option for its citizens. Unfortunately, Kentucky has dropped 25 spots in our annual Bicycle Friendly Ranking since 2010 and is currently ranked 48th in the nation. Kentucky has the 9th lowest rate of bicycle commuting to work in the country and the 15th highest rate of bicyclist deaths per 10k bicycle commuters. While the revisions to 601 KAR 14.020 may not be perfect, they would represent an important and substantial step towards making Kentucky a more Bicycle Friendly State.

The amendments to 601 KAR 14:020 create much more clarity for bicyclists, pedestrians, and motorists. This clarity will help education efforts aimed at bicyclists, pedestrians, and motorists so that they know how to share roads, and sidewalks, appropriately. The most important area of greater clarity is the amendment to Section 9 (section 7 in the amended regulation), which fulfill the Transportation Cabinet's statutory requirement to set forth standards for the safe operation of a bicycle. The current standards for safe operation of a bicycle do not include many of the rules that other states have found useful and do not provide the clarity that is needed so that motorists, bicyclists, and pedestrians in Kentucky can confidently share the road.

The proposed amendment takes a substantial step towards remedying an unclear area of the law that has harmed bicyclists in Kentucky. Cherokee Schill, a single mother using her bicycle for transportation,



has been fined and jailed based upon an interpretation of Kentucky Revised Statutes (KRS) 189.300(2) that would require her to use a road's shoulder. The proposed amendment would clarify that bicyclists faced with the same situation are not required to use the road's shoulder. The current interpretation of KRS 189.300(2) is the result of Kentucky being one of seven states that treats bicycles as slow moving vehicles and one of two states that require bicycles to ride to the right of the "highway," inclusive of the shoulder. Thanks to the proposed amendments Section 7(1)(a) and Section 7(3), the Kentucky Administrative Regulations would provide clear rules to govern this situation – as currently provided in all but three other states. The language that addresses bicycling on a shoulder could be made even clearer by either explicitly saying that KRS 189.300(2) does not require the use of the shoulder, or by using the word "roadway" in Section 7(3) rather than "highway."

The proposed amendments provide significant guidance to bicyclists who are required by the current regulation to ride within bicycle exclusive lanes by Section 7(1)(b). Only 7 states, including Kentucky, require bicyclists to use bicycle exclusive lanes when they are available. The League of American Bicyclists does not support this type of requirement because it can force bicyclists to use unsafe facilities. While we would prefer that Kentucky eliminate this requirement, the proposed amendment would enable bicyclists to make safe choices, as bicyclists are allowed to do in 4 of the 7 states that require the use of bicycle exclusive lanes.

The proposed amendment Section 7(3) updates Kentucky's law so that it is similar to the law in over 40 states. Kentucky currently does not allow bicyclists to choose how to safely navigate its roadways and



instead requires bicyclists to ride to the right unless passing or going the same speed as traffic. Forty-one states enable bicyclists to choose how to ride safely by providing more exceptions to the requirement to ride to the right than currently provided by Kentucky.

The proposed amendment Section 7(4) provides important rules that will make interactions between pedestrians and bicyclists safer and more predictable on sidewalks and crosswalks. Twenty-eight states have created rules substantially similar to those in the proposed amendment. These rules are important for all road users and the shared responsibility we have to keep each other safe.

Thank you for reviewing the proposed amendments to 601 KAR 14.020. They are an important step to Kentucky becoming a more Bicycle Friendly State. If you have any questions about the traffic laws that govern the operation of bicycles in other states my organization maintains a [database](#) and [comparison charts](#) for a wide variety of bicycle-related traffic laws. I would be happy to help answer any questions you might have.

Please approve the proposed amendments to 601 KAR 14.020 and improve the rules that allow bicyclists, pedestrians, and motorists to safely interact.

Best,

Ken McLeod
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League of American Bicyclists