

**To:** The Kansas House Committee on Transportation  
**From:** Catherine Walberg, J.D.  
**Date:** February 6, 2019  
**Re:** Supporting 2019 House Bill No. 2088  
February 6, 2019, 1:30 p.m. House Committee on Transportation Hearing, Room 582-N

Dear Honorable Members of the Kansas House Committee of Transportation,

I am submitting this written testimony in support of the New Section 1 set forth in House Bill No. 2088 that provides:

“No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the right or the safety of others, or inattentively in such a manner as to endanger, or be likely to endanger, any person or property.”

For the last thirty (30) years, my husband, Keith Walberg, and our fellow cycling friends (“cyclists”) have bicycled in Topeka, Shawnee County, and all around the state enjoying the beautiful Kansas landscape.

Over the course of a year, I ride approximately 5000 miles in Kansas. Those with whom I ride also cycle significant miles in the state, i.e., approximately 5,000 to 10,000 miles a year in Kansas. The cyclists do their best to choose low traffic roads, e.g., 93<sup>rd</sup> Street south of Topeka; Stubbs Road (east of Topeka); 57<sup>th</sup> Street heading west to Dover.

While most drivers of motor vehicles are respectful as they come upon cyclists, there are others who use their vehicles to threaten and intimidate cyclists as we ride. On nearly every ride, we are harassed or threatened in some manner by a motor vehicle. This harassment includes but is not limited to:

- Coming up behind the cyclists at an unreasonable amount of speed and then slamming on the breaks just before the motorist reach the cycling group;
- Skimming past the cyclists (in close proximity) at high rates of speed, i.e., with less than 36 inches to spare between the cyclists and the motorists;
- Skimming past the cyclists and then slamming on the brakes right in front of the cyclists, forcing the cycling group to have to stop suddenly which sometime results in crashing;
- Using a motor vehicle to force the cyclists off the road;
- Excessive honking and yelling as the motorist passes the cyclists
- Coming at the cycling group head-on in the wrong direction, similar to a game of “chicken”.

The most egregious example of such harassment resulted in the death a few years ago of a fellow Topekan, Glenda Taylor, who was the Chair of the Washburn Art Department. She was racing her bicycle in southeastern Kansas on a lightly travelled road. Due to the reckless driving of an individual, (passing too closely to her at a high rate of speed), she was hit and killed.

Additionally, with the advent of texting, cyclists experience more frequent near misses and actual impact as a result of inattentive driving.

Promotion of cycling in Kansas has numerous benefits:

- Encourages a more healthy population.
- Provides entertainment for children and families.
- Promotes tourism in the state. By way of example, 2,500 riders from 49 states and 16 foreign countries assembled in Emporia, Kansas, in June 2018, to ride and race through the scenic Flint Hills at the Dirty Kanza. The Dirty Kanza's premier event (200 miles in one day) began in 2006 with just 34 entrants and now sells out in minutes with a capped participation of 2,500 riders. Both the college in Emporia and the hotels sell out for the several days surrounding the event as cyclists and their friends and families come for this iconic event. Throughout the year, there are various events across the state as riders and racers prepare for the event, including a Dirty Kanza camp which brings in people from across the country who want to train for the event.
- Encourages an alternative form of transportation.

Providing some penalty for harassment of cyclists (and for harassment of any other users of the roads, e.g., farmers driving farming equipment, pedestrians, etc.) and for inattentive driving will help discourage those motorists who harass other types of users of the roads or fail to drive attentively.

Kansas is an ideal state in which to cycle. With her beauty, her endless sunny days, her cycling history, and her miles and miles of paved and gravel roads, Kansas is becoming a destination point for many cyclists across the country and even across the world. Help keep Kansas a safe place in which to ride a bicycle.