



# Tiger Cycling Foundation

Baton Rouge, Louisiana

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**Proposal for City Ordinance  
“Dr. Colin Goodier Bicycle Protection Act”**



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## Purpose / Problem

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With an increase in cycling across the state, it is imperative we all take steps to ensure each other's safety while on the road and this proposal helps to define at least one way for motor vehicles and cyclists to share the road, while increasing safety.

It is our intention to reach out to drivers and cyclists, thus bridging the gap of knowledge and understanding.

On June 9<sup>th</sup>, 2008, another local cyclist was killed while riding his bicycle on River Road. The victim, this time, was Dr. Colin Goodier of New Orleans, 28 years old and a resident surgeon. Dr. Goodier was struck from behind on Hwy. La. 75 just North of La. 327 by a GMC truck driven by Allen Ketelsen, 34, of Baton Rouge. This area is marked as a bicycle training route with "Share the Road" signs and has been so since 2002 after another fatal crash. The crash in 2002 claimed the lives of two Baton Rouge residents, Steve Seiden, a 38 year old LSU Professor and Timmy Cappo, a 17 year old cycling talent with a possible professional cycling future. Six other cyclists were also seriously injured in this crash.

Unfortunately, these examples are just a couple from a reoccurring problem that is not only affecting our area but the entire state of Louisiana and the nation. The latest statistics from 2006 indicate that 2% of all traffic fatalities across the nation involve a bicyclist with 773 cycling deaths reported. Louisiana accounted for 24 of these deaths out of 982 total traffic fatalities. (NHTSA report, 2006 data, "Traffic Safety Facts")

Cyclists also face hazards such as motorist passing extremely close to them as they are riding far right and within the stated local and state laws. Cyclists refer to this as being "buzzed". This is huge risk taken by many motorists to save a few seconds. Often, cyclists are "buzzed" even whenever the oncoming lane is available for passing and is clear of traffic. Other hazards are dangers such as motorists throwing bottles, trash, etc as well as simple yelling or excessively blowing their horns which can startle a cyclist, possibly causing a crash.

Currently, local and state laws fail to have a minimum safe distance whenever passing a cyclist. As stated in LRS 32:73, "...except when overtaking and passing on the right is permitted, the driver of a vehicle overtaking another vehicle proceeding the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle".

With the rising cost of gasoline, many people are looking for alternate transportation and are turning to cycling for their commuting needs. In comparing our city and state to others around the nation, it is quickly noted that many have taken steps to increase public awareness of cycling and have implemented simple laws that are specific to cycling and heighten safety for bicyclist. The Baton Rouge area has a chance to be a leader in bicycle safety just as it is in so many other areas.

## **Proposal**

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### ***"Three (3) Feet Law"***

To give the cyclist added security and safety, a minimum of three feet is recommended whenever passing a bicycle on the left and said bicycle should only be passed whenever safe to do so. Many cities and states have implemented what has become known as the "3 feet law". However, only now have authorities begun to understand the dangers cyclists face and as of this writing on twelve states have specific "3 feet laws" on the books. These include: Arizona, Florida, Illinois, Kentucky, Minnesota, N. Carolina, Oklahoma, Tennessee, Utah, Virginia, West Virginia and Wisconsin. Some states, such as Arizona, have even implemented civil penalties of up to \$1,000 if the "3 feet laws" are broken. (Arizona statute 28-735, Overtaking bicycles; civil penalties)

### ***Road Signs and Safety Markings***

In addition to implementing protection laws, the proper placement of "Share the Road" signs and "The shared-use ARROW" along River Road are required. The shared-use ARROW is a symbol placed on the roadway with a stencil and is used to indicate proper positioning for a bicyclist in a shared travel lane. The shared-use ARROW was developed with the intention of addressing the deficiencies of wide outside lanes mentioned above. Furthermore, for situations at which sufficient pavement width exists to choose between striping a bicycle lane or leaving a wide outside lane, the shared-use ARROW may offer a third option, "bridging the gap" between the two existing treatments. Unlike a bicycle lane stripe, the shared-use ARROW does not restrict bicyclists and motorists to separate areas of the roadway, thus addressing several potential problems of bicycle lanes. The shared-use ARROW also requires less pavement marking materials than a bicycle lane stripe, and the ARROW reinforces the correct direction of travel, an issue of great importance for bicycling safety.

With Baton Rouge being a state leader, we propose that the government of the City of Baton Rouge/ Parish of East Baton Rouge, pass the "3 feet law" as a city/parish ordinance and implement road signage in designated areas.

If passed, this ordinance will be a benchmark for the entire state of Louisiana. It will bring much needed awareness to the public and give the cyclist, whether commuter or competitor, an added security and safety.

# Louisiana State Bicycling Laws

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## §73. Passing a vehicle on the left

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) Except when overtaking and passing on the right is permitted, the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Acts 1962, No. 310, §1.

## §75. Limitations on passing on the left

No vehicle shall be driven to the left side of the center of the highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

Acts 1962, No. 310, §1.

## §193. Operation of bicycles; general provision

The regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated hereafter.

Acts 1962, No. 310, §1.

## §194. Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a highway of this state shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Part and except as to those provisions of this Chapter which by their very nature can have no application.

Acts 1962, No. 310, §1.

§197. Riding on roadways and bicycle paths

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Acts 1962, No. 310, §1.

## State Bicycling Laws

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There are many other states with laws in place that address our proposed change to Louisiana's current bicycling laws. Please refer to the following attachment for more information.

For example, in the State of Arizona:

- 28-735. Overtaking bicycles; civil penalties
  - A. When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.
  - B. If a person violates this section and the violation results in a collision causing:
    - 1. Serious physical injury as defined in section 13-105 to another person, the violator is subject to a civil penalty of up to five hundred dollars.
    - 2. Death to another person, the violator is subject to a civil penalty of up to one thousand dollars.
    - C. Subsection B of this section does not apply to a bicyclist who is injured in a vehicular traffic lane when a designated bicycle lane or path is present and passable

In the State of Tennessee:

[Acts 1955, ch. 329, § 74; T.C.A., § 59-875; Acts 1985, ch. 138, § 4; 1989, ch. 591, § 113.]  
55-8-175. Riding on roadways and bicycle paths - Penalty.  
Statute text

(2)The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3') and shall maintain the clearance until safely past the overtaken bicycle.

(d) A violation of this section is a Class C misdemeanor.

## **Jeff Roth and Brian Brown Bicycle Protection Act of 2007**

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In 2007, the State of Tennessee passed a bill that designates a safe passing zone of three feet for motor vehicles when overtaking a bicycle on the roadway and classifies violation as a Class C misdemeanor.

This law was passed after a crash which resulted in the death of a cyclist, much similar to the death here in the Baton Rouge area.

Jeffery E. Roth, 48, was hit August 11, 2006. Maryville, TN police said he was riding his bicycle whenever he was struck from behind by a truck.

In 2000, Brian Brown was killed whenever he was hit by a truck on a Hwy. Martin, TN.

These tragic events were two of many in Tennessee that inspired cycling advocates and lawmakers in Tennessee to pass the law in 2007. ([tennessee3feet.org](http://tennessee3feet.org))

**\*Please refer to the following attachment for the complete House Bill**

## **Louisiana 3 Feet**

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In coordination with the organizers of Tennessee 3 Feet, we propose a program of similar origin to promote the awareness of cycling and cycling laws. Louisiana 3 Feet will be a public awareness campaign dedicated to public education of the Dr. Colin Goodier Bicycle Protection Act.

It is our intention to reach out to drivers and cyclists, thus bridging the gap of knowledge and understanding. Our goal is to bring about awareness of the law within East Baton Rouge Parish and provide resources for other education partnerships across the state.

We are NOT here to preach about who belongs on the road. We are only here to help everyone understand the law and access information that could be helpful in educating the community.