

# HOUSE BILL REPORT

## HB 1491

---

**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to vehicles overtaking and passing pedestrians or bicycles.

**Brief Description:** Addressing when vehicles overtake and pass pedestrians or bicycles.

**Sponsors:** Representatives Pedersen, Rodne, Rolfes, Seaquist, Kenney, Upthegrove, Cody, Chase, Nelson, Moeller, Carlyle, Hunter, Roberts, Morrell, White, Wood, Dickerson and Goodman.

**Brief History:**

**Committee Activity:**

Transportation: 2/12/09, 2/27/09 [DP].

**Brief Summary of Bill**

- Requires vehicles passing bicyclists and pedestrians to pass at a distance of no less than three feet.
- Creates a specific exemption allowing vehicles passing bicycles or pedestrians to travel on the left side of the center of the roadway.

---

### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 22 members: Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell, Cox, Dickerson, Driscoll, Eddy, Finn, Flannigan, Johnson, Moeller, Morris, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Roach, Ranking Minority Member; Armstrong, Ericksen, Herrera and Klippert.

**Staff:** David Munnecke (786-7315)

**Background:**

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The driver of a vehicle passing other traffic on the roadway, or approaching a pedestrian or bicyclist on the roadway or on the shoulder of the roadway, must pass at a safe distance to the left. The driver must also be safely clear of the overtaken pedestrian or bicyclist before returning to his or her original position on the roadway.

Generally, a driver of a vehicle may drive on the left side of the roadway, from the driver's perspective, in order to pass another vehicle, including a bicycle, so long as it is safe to do so. However, the driver of a vehicle may not do so in order to pass other traffic proceeding in the same direction unless the left side of the roadway is visible and free of oncoming traffic for a sufficient distance to permit the passing to take place without coming within 200 feet of oncoming traffic.

---

**Summary of Bill:**

The requirement of passing bicyclists and pedestrians at a safe distance is modified to define that distance as no less than three feet.

A specific exemption is created that allows vehicles passing bicycles or pedestrians to travel on the left side of the center of the roadway.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The biggest obstacle to being a bike commuter is fear of automobile drivers. Right now, safety is in the eye of the driver, and a driver is probably only judged to be too close when a bicyclist is hit. This bill would give drivers an idea of what they need to do in order to safely pass a bicyclist or pedestrian. It would not require police officers to wield a yardstick in order to determine who should receive a ticket, but it would create an expectation that the driving public could then follow.

Eleven other states currently have these laws. Police in those states say the value of this law lies in its ability to educate. Right now people really don't know what a safe distance is, although three feet is the recommendation in the Department of Licensing driver education manual. Any closer than three feet and bicyclists and pedestrians can get sucked into a fast-moving vehicle.

Road safety is a shared responsibility and bicyclists have requirements on them as well. There is currently a substantial effort being made to educate bicyclists regarding their obligations on the roadways.

(Opposed) Commercial drivers are interested in safe roadways because that's where they work, but this bill does not improve safety. Drivers are already required to pass safely and are educated through the Department of Licensing driving guide that the suggested distance is three feet. However, many roadways won't accommodate a truck, a three-foot passing distance, and a bicyclist. Everyone needs to share responsibility for safety on the roadway, not just the motor vehicles.

**Persons Testifying:** (In support) Representative Pedersen, prime sponsor; Michael Temple and Brian Faller, Bicycle Alliance of Washington; and David Hiller, Cascade Bicycle Club.

(Opposed) Owen Linch, Joint Council of Teamsters.

**Persons Signed In To Testify But Not Testifying:** None.