

Minutes for RBAC Meeting: April 6, 2022

7:00 – 9:00 pm, virtual Webex meeting

In attendance online: Wendy Aaronson, Bryan Barnett-Woods, Connie Bertka, Olivia Bobrowsky, Nancy Breen, Sophie Chan-Wood, Joe Gillespie, Lynda Honberg, Jake Jakubek, Carl Petersen, Jonathan Solomon, Shannon Brescher Shea and Dave Stinchcomb.

Nancy started the meeting at 7:06 pm with introductions. City Hall is open but as a group we decide to remain virtual rather than meeting in-person for now. Perhaps a hybrid meeting could be a possibility for the future.

Jake motioned to approved the minutes from last month's meeting. Lynda seconded and thanked Sophie for preparing them.

(1) Although RBAC is not a commission nor council with appointed positions, Bryan mentioned Maryland's Open Meeting Act. Lynda has taken this training.
https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php

As part of the **City Update**, Bryan announced the proposals for the Twinbrook pedestrian bridge have been submitted. Staff continues to work with Maryland Department of Transportation State Highway Administration to update the memorandum of understanding amendment review process. This agreement is necessary for carrying out the \$60,00 feasibility and design study. This path will follow Scott and Viers Drives west of Wootton High School and Frost Middle School.

Bike to Work Day is on Friday, May 20 with the Town Center and Fallsgrove pitstops. Sophie mentioned Peter Gray at WABA sent an email requesting volunteers at the Fallsgrove pitstop to help promote WABA and RBAC. Olivia and Wendy agreed to volunteer from 6:30 to 8:30 am there. Bryan will have Vision Zero rear lights and other swag for participants.

Bryan meet with Tracy and Shannon about **Bike to School Day on Wednesday, May 4**. Police officers will help at intersections at Ritchie Park Elementary School. Shannon will lead a bike train from the Lincoln Park neighborhood to Maryvale Elementary.

Bryan thanked everyone for their feedback at the budget meetings. He is applying for grants for Complete Street initiatives at the intersections of Fleet and Monroe Streets and Beale and Maryland Avenues.

Due at the beginning of June, Bryan will work on applying for **grants** from the Kim Lamphier Bikeways Network Program:

(<https://www.mdot.maryland.gov/tso/pages/Index.aspx?PageId=28>) Last year the

average grant was about \$70,000. He may look at installing 4 to 6 bike counters around the City as well as other biking infrastructure.

The Transportation Alternative Program (TAP) may another source of funding for Safe Routes to Schools program.

https://montgomeryplanning.org/wp-content/uploads/2022/03/Appendix-C_-Student-Travel-Tally.pdf

The MDOT put together a Traffic Stress Map to analyze traffic volumes and speeds:

<https://experience.arcgis.com/experience/8f01552b8ff745d8902476a7c569f64c/>

At our next meeting, Farmaz will provide an update on the 900 Rockville Pike lot development.

(2) Jonathan provided an update on the **Tour de Cookie** which will be on Saturday, May 7. As of yesterday there are 50 riders registered. He made recommendations to the Tree House for bike marshals and intersection monitors after test-riding the 30-mile route. There will be two routes starting at the Montgomery County Board of Education Carver Center.

(3) Carl proposed the 2022 Bike Rides: **The Bike Month Kick-off Ride on Sunday, May 1** will be a 6-mile loop that starts at City Hall at 10 am. In the past, 30 to 50 riders attended. Jake and Nancy volunteered to sweep as Carl leads. Joe, Olivia and possibly Jonathan also volunteers to help. Nancy will invite the Mayor and City Council and City staff to attend.

Sophie is working with the Rockville police on the **Ride of Silence on Wednesday, May 18**. Jake volunteered for this 10-mile route.

Tuesday night rides will start on June 7 and continue until July and August with different start locations like in the past. There will be a Juneteenth ride on Sunday, June 19. The Carl Henn Millennium Trail rides will start in July on the third Sunday of each month.

(4) Jake drafted a letter on the **contributory negligence letter** to the Mayor and City Council (see attached). Dave motioned to have changes to emphasize Vision Zero more and include the support of the RPAC and TTC. Wendy seconded the motion.

(5) Shannon reported that Lakewood Elementary School needs a bike rack. She also said parents believe that a crosswalk across Wootton Parkway is not feasible due to high traffic speeds. She will meet with the College Park PTA next month.

Nancy asked Carl to send photos for the annual report including some main bullet points.

Meeting adjourned at 9:00 pm.

Respectively submitted,

Sophie Chan-Wood

Dear Mayor Newton and City Council,

The state of Maryland is one of only five states in the union that has a contributory negligence law in place for adjudicating crashes. Under contributory negligence, if the person bringing a personal injury lawsuit is found to be in any way responsible for the underlying incident, they cannot recover damages from any other at-fault party. Even if the claimant is deemed only one percent at fault, and the other party is found to bear 99 percent of the blame, the claimant is not entitled to any compensation under this law. This is still true in instances where the all of the injuries are suffered by one party of the crash, which is often the case when a motorists crashes into a pedestrian or bicyclist.

For instance, if a taillight of a bicycle runs out of battery and then the person bicycling is hit by a texting driver, they would not be able to claim *any* damages. Similarly, if a person is walking on the edge of a street that does not have a sidewalk and a right turning driver crashes into them, the pedestrian would not be able to recover medical costs.

RBAC feels that this is an unjust practice for people bicycling, walking, *and* driving. One of our members was a juror in a civil trial and has first hand experience with how this law can be applied. They served on a jury where a person driving a car had hit someone crossing the street on foot. The person walking lost the case because she was wearing all black and was using an umbrella while crossing the street in the rain. This also happened to be at a poorly designed crossing without a pedestrian signal. The person driving had to ease out to the middle of the road to see around a curve. He pulled out and luckily stopped but not before tapping her and knocking her to the ground. The jury would have liked to provide some compensation to help pay doctor bills but she received nothing because of this law.

At a bike summit that one of our members attended, attorneys made a point about how juries perceive bicyclists and the difficulty of winning a case. They said that juries believe there is an inherent risk for bicyclists and as such contribute to the crashes in which they are involved.

Contributory Negligence is a remnant of English Common Law and has updated in many states for a comparative negligence that would apportion fault in a crash for all parties and allow injured parties to recover a percentage of the damages based on the percentage of fault. For example, a pedestrian who suffered a severe injury is determined to be at 50% fault in a crash with a motorist who is also 50% at-fault; the pedestrian could then collect 50% of the recovery costs from the motorist's insurer.

Changing this law would also have beneficial effect in our efforts to achieve Vision Zero. Having a comparative negligence law would provide a greater financial and legal incentive for people to drive safely.

RBAC would like to request that the Mayor and Council request of our state legislators to repeal this law and replace it with a comparative negligence law that would more fairly and equitably hold all people responsible for their activity on our roads, streets, and highways. This will help achieve our goals of safer streets for all users.

Thank you for your attention.