



## **Bicycling is Transportation**

Testimony before the Joint Legislature Finance Committee: Transportation  
January 26, 2012

Assembly Ways and Means Committee Chair Herman D. Farrell, Jr.  
Senate Finance Committee Chair John A. DeFrancisco  
Co-Chairs

### **Executive Summary**

This testimony by Harvey Botzman, Member, Board of Directors, New York Bicycling Coalition presents a comprehensive view of programs the Department of Transportation, Department of Motor Vehicles, and the New York State Thruway Authority's New York State Canal Corporation should attempt to implement during the 2012-2013 New York State fiscal year.

The testimony outlines cost effective pragmatic projects these agencies of New York State government can complete to enhance the on road & off road trail safety, quality of life, and tourism development in regard to bicycling and bicyclists.

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### **The New York Bicycling Coalition**

The New York Bicycling Coalition was founded approximately 20 years ago by civil servants working in the New York State Department of Transportation and the Office of Parks, Recreation, and Historic Preservation. Most of the Coalition's founders commuted to their offices by bicycle throughout the year. These men and women saw a need for an independent citizen based organization to promote bicycling throughout the State. As the founders retired from State service they became actively involved in the Coalition.

### **Harvey Botzman**

For the past 25 years Harvey Botzman has been actively involved in the local Rochester bicycle club, local bicycling advocacy alliance as well as the Coalition. Nineteen years ago he began writing and self-publishing bicycle tour guide books. Four of his seven books currently in print, *'Round Lake Ontario: A Bicyclist's Tour Guide, 3<sup>rd</sup> Edition*, *Erie Canal Bicyclist & Hiker Tour Guide, 3<sup>rd</sup> Edition*, *Finger Lakes Bicyclist's Tour Guide, 2<sup>nd</sup> Edition*, and *'Round Lake Erie: A Bicyclist's Tour Guide, 2<sup>nd</sup> Edition* detail routes in New York State.

In addition to his bicycling activities, Mr. Botzman is actively involved in attracting tourists to New York State, not only through the bicycle tour guide books he writes but also by serving on the Canal New York Marketing and Business Alliance Board of Directors as well as a member of the organizing committee for the New York Travel and Vacation Association's Empire State Tourism Committee.

Harvey Botzman's testimony at this Joint Legislature Finance Committee hearing reflects the New York Bicycling Coalition's position since the testimony has not been discussed by either the Canal New York Marketing and Business Alliance or the New York State Travel & Vacation Association Boards of Directors.

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### **Greetings: Bicycling is Transportation**

The New York Bicycling Coalition and bicyclists throughout New York State thank the Assembly Ways and Means Committee Chair Herman D. Farrell, Jr., Senate Finance Committee Chair John A. DeFrancisco, and members of the Joint Legislature Finance Committee: Transportation for affording us the opportunity to present the needs of bicyclists for consideration to allocate sufficient funds to improve bicycling conditions and facilities throughout New York State.

### **Compliments**

Each year I receive letters and emails from bicyclists praising New York State's roads, bridges, and bicycling facilities. Our infrastructure is unique, generally well maintained, and suited to accommodate a multimodal local and statewide transportation system. I have personally biked thousands and thousands of miles upstate and downstate as an author who writes and markets bike touring guides in the United States. I can assure this Committee, what we have in New York State is absolutely not well enough known by bicycle tourists as well as the general tourist population! I know from cyclotourists' letters and emails that out of state bicyclists believe the New York State Division of Motor Vehicles is responsible for the generally good treatment they receive from motor vehicle drivers.

### **Bicycling is Transportation!**

*Bicycling is Transportation!* is the Coalition's position in regard to providing on road and off road commuting and utilitarian (*i. e.*, performing everyday errands) transportation activities by adults, young adults, and school age children. Bicycling is a healthful family-oriented recreational activity. Both the New York State Health Department and the New York State Office of Parks, Recreation, and Historic Preservation promote bicycling through various programs. The Health Department is attempting to reduce the adult and child incidences of obesity, diabetes, heart conditions by encouraging individuals to bicycle on a regular basis. The Office of Parks, Recreation, and Historic Preservation has constructed off-road bicycle trails in State Parks to accommodate the growing number of adult off-road cyclists. A number of major bicycling events (there are 210+ such events listed on the Cyclotour Guide Books and New York Bicycling Coalition's web sites) use a State Park facility.

In an effort to improve air quality in many New York State urban and rural areas the New York State Department of Environmental Conservation in conjunction with the NYS Department of Transportation and the U. S. Department of Environmental Conservation encourages bicycling to mitigate motor vehicle and other emissions contributing to an area not meeting Federal air quality standards.

### **Statistics**

We are a data driven society. Unfortunately very little valid and reliable data concerning bicycling and bicyclists in New York State exist outside of the comprehensive statistics compiled by the New York City Department of Transportation. Without such data, transportation planners cannot adequately acknowledge what is observed anecdotally, which is a significant increase, especially in recent years, in the number of bicyclists using roadways and trails for transportation as well as for recreational purposes.

There never has been a comprehensive count of bicyclists commuting to work or school; performing utilitarian (everyday errands) activities; engaging in recreational or healthful activities on and off New York State's roadways and trails for a full 12 month period in every municipality and county in the State. Obviously, this would be useful information to have for developing and implementing public policy in what is clearly a growing area of interest, bicycling.

This is a need only transportation planning professionals from the New York State Department of Transportation working in conjunction with transportation professionals from the Metropolitan Planning Organizations and private specialized contracted transportation planning organizations can perform. Yes, organizations like the New York Bicycling Coalition, its constituent clubs and members can help to provide enumerators. Only transportation professionals can design the study; supervise the collection of data; analyze the data; and make recommendations for action by the Commissioner of Transportation, the New York State Legislature, and the Governor to improve bicycling facilities and conditions.

Where can we find money for a comprehensive study of bicycling & bicyclists in every county and municipality in New York State? One possible source is a line in the Governor's Executive Budget for Transportation called *other*. There are planning line items in the Department of Transportation's budget, too. Supplemental funding is available under the provisions of Federal Transportation Enhancement Act programs administered by U. S. Department of Transportation primarily through the Metropolitan Planning Organizations in our State.

### **Statewide Bicycle Advisory Committee**

Unfortunately, not since the early 1990's has the NYS Department of Transportation called a meeting of the State Bicycle Advisory Committee as mandated in Federal Transportation Acts. This is at a time when bicycling is clearly being accepted as a transportation and recreational activity by the all segments of New York State's population. The public sees images of happy bicyclists everywhere in advertising and the media. Watch those Super Bowl ads closely on February 5th!

This Bicycle Advisory Committee must be reformulated soon and meet, again as mandated by federal regulation, at least every three months to advise the Commissioner and the Department of Transportation on matters concerning bicyclists and bicycling. This is an extremely low cost way of involving citizens to help the Department to formulate a consistent and coherent policy regarding bicyclists and bicycling throughout the State. After an initial person to person meeting the New York State Bicycle Advisory Committee can meet using a variety of modern telecommunication techniques that did not exist nearly two decades ago!

The Bicycle-Pedestrian Program in the Department of Transportation must reflect the increasing importance of bicycling, bicycling facilities, and the need for adult bicycle safety programs among the current and future generation of New York State's voting citizens. One of NYBC's goals is to *get* every New Yorker on a bike. The Coalition wants to include New York State's Legislature, Executive, Departments, and Agencies to help them do that, starting today!

### **Safe Bicycling and Bicyclists' Adherence to Bicycle Laws**

For the past two decades, one of NYBC's primary functions, thanks to consistent funding and support from the Governor's Traffic Safety Committee, has been to convene trainings, meetings and seminars throughout New York State geared to a diverse audience of transportation professionals, local government officials, and local or regional citizen advocates revolving around effective road design and engineering in order to facilitate more and safer bicycle riding.

The New York Bicycling Coalition does not believe it is necessary for members of the Legislature to introduce or pass any additional bills to create a safer environment for bicyclists and bicycling. The Coalition does want better enforcement of current laws regarding bicycling. The Coalition would like to see traffic and code enforcement officers give warning tickets to bicyclists who disobey the rules of the road for vehicles as they apply to bicyclists. Enforcing bicycle laws, be they municipal, county, or State laws is not currently a priority for the vast majority of law enforcement personnel. The Coalition believes enforcing laws governing bicycling and bicyclists is important for maintaining a high quality of life for all the residents of New York State. The Coalition does not want to overburden an already stressed judicial system with an excess of bicycle law breakers. We believe the solution for the problem of bicyclists disregarding laws governing bicycling is a series of intensive and extensive bicyclist education programs.

Many times bicyclists who disregard the rules of the road governing bicycling do so in ignorance of the law and with a lack of common sense.

The New York Bicycling Coalition wants to continue working with both the Department of Motor Vehicles and the Governor's Traffic Safety Committee to find ways of increasing the number of bicyclists who are more cognizant of and who adhere to the Laws governing on our public road, trail, and park systems.

We are proposing the Coalition work under contract with the Department of Motor Vehicles to develop, write, and publish a more extensive section on bicycling in its *Driver's Manual and Quiz*. Typically, around the age of 15, most New Yorkers (outside the New York City metropolitan area) begin to study for their Driver's License. Teenagers are more likely to ride a bicycle to visit friends, do family errands, go to the local playing fields, commute to school, etc. The last time young New Yorkers in the age category *teenager* might have received any education concerning safe bicycling was in the fourth grade, when they were ten (10) years old!

We are experiencing a surge in bicycle use by late teenagers, *i. e.*, individuals between 15 and 19 years old; and individuals in the 20+ year old age group. Bicycling is an extremely inexpensive form of transportation for individuals in these age groups who typically earn the minimum wage, work less than 40 hours a week, and go to school/college. By including a more extensive and comprehensive section on bicycling in the *Driver's Manual and Quiz*, especially online versions of these documents, we are setting the stage for better educated drivers, who are far more attuned to other users of the road, like cyclists. *Down the road*, that is in the future, this will foster a safer environment for drivers and cyclists alike, reducing accidents and injuries, with their attendant and expensive social costs (e.g., car, bike and road repair; lingering medical bills, the time of law enforcement and other public servants).

This method of educating motor vehicle drivers and bicyclists alike must not be construed as supporting a position for the licensing of bicyclists or bicycles. Such licensing would be neither a cost effective nor an efficient way to encourage safe bicycling. The New York Bicycling Coalition is adamant in its opposition to this unfortunately recurring licensing idea.

Funding for this revision of the *Driver's Manual and Quiz* might be accomplished with a temporary \$1.00 surcharge for taking the *Driver's License Quiz* and *Road Examination*.

## **Adult Bicycle Safety and Adherence to Bicycling Laws**

The fact is most bicyclists you see bicycling against traffic, improperly carrying large garbage bags filled with bottles and cans, wearing dark clothing at night, not using lights at night, or disobeying traffic signs and signals are adults. These adults need to be educated - not retrained - but educated in legal and safe bicycling techniques. In truth all bicyclists, from new riders to bicyclists who have been pedaling for 50+ years, need to be equipped with better bicycle riding in traffic skills.

The NYS Department of Transportation must market bicycle safety and the rules of the road to adult bicyclists. Programs like the Capital District Transportation Authority's *Capital Coexist* bicycle education rack card or the New York City Department of Transportation's *Don't be a Jerk Obey Rules of the Road* campaigns can be tailored for use throughout the State. There is no need to reinvent the proverbial *bicycle wheel!* The Department can use its own in-house staff or a contract graphic designer to create bicycle safety templates to be modified and published locally in various media formats. These templates would include the local Traffic Safety Office's information. This is an example of collaboration between State and local agencies for a better New York.

The Department of Motor Vehicles has made effective use of commercial billboards at critical intersections to educate bicyclists about the rules of the road. These handout and billboard programs are a first step in marketing bicycle safety to bicyclists.

The second and probably the more important step in educating adult bicyclists in the laws and skills of bicycling is for the Department of Transportation with the Department of Motor Vehicles to subsidize the marketing and teaching of *Traffic Skills* courses throughout the State. The New York Bicycling Coalition estimates this subsidy will cost \$124,000.00, or \$2000.00 per county, but will have a return on investment (ROI) of a significantly lower number of bicycling related accidents, significantly lower number of bicycling related fatalities, and a much higher respect for the laws governing bicycling by bicyclists undergoing traffic skills training. As noted, the social and economic costs of accidents involving bicycles are enormous and can be greatly reduced with a very modest investment or reallocation of existing finite fiscal resources.

## **Complete Streets, New York State Highway Law 331**

The Department of Transportation must be acknowledged and complimented for immediately trying to implement the recently passed Highway Law 331, known as *Complete Streets*, in the earliest stages of construction and reconstruction of roadways and bridges. It is the New York Bicycling Coalition's hope that it will take only a short start-up period for the Department's planners, designers, engineers, contractors, and construction contractors to think about and naturally include bicycling facilities into roadway and bridge projects rather than simply *considering* such facilities. The time for simply considering or thinking about these logical and low cost improvements is long gone!

For example, at a recent hearing for the large *390 Interchange 16 Reconstruction Project* bicycling advocates pointed out the lack of bicycle lanes and sufficient pedestrian sidewalks on the project's bridges and roadways which would connect to the already existing marked bicycle lanes on streets leading to and from the project area. Bicycling advocates pointed out a safer off-road route using part of the Erie Canal maintenance road and a town trail for students to go to the Community College. A significant number of Community College students, staff, and faculty ride a bicycle to the school. Would it cost a huge amount of additional money to place wide bicycle lanes and pedestrian sidewalks on those bridges and streets? Not really, especially in the context of the total dollar value of this Project. The Town Supervisor, who was present at the

hearing, agreed about the benefits of the bicycle lanes, sidewalk, and safe off-road trail for local residents.

The bicycling advocates also pointed out that the proposed new bridge over the Erie Canal really needed to be at 26'6" rather than at its current height. Transportation projects have a long lifespan. East of Oneida Lake the Erie Canal bridges were reconstructed by 1925 at an average height of 25'6". No such reconstruction occurred west of Oneida Lake. This height limitation inhibits the development of an Erie Canal cruise boat (~120 passengers) tourism industry - an industry NYBC would like to point out is thriving and growing throughout Europe and China. If each time a bridge over the western end of the Erie Canal is reconstruction and its height over the Canal is increased to 26'6", over 50 years there might finally be a series of large Canal multi-day cruise ships plying our historic waterway whose presence would provide a significant economic impact.

The point of this anecdote is that citizens bring to these planning and design meetings a fresh perspective on a transportation project. Most times the modifications to the project involve minimal additional cost or minimal additional time constructing the project. Sometimes the citizen involvement results in reducing the cost of a transportation project. Most times the benefits in terms of bicycle, pedestrian, and motor vehicle safety and traffic flow are significantly increased. The plus is a roadway or a bridge will have a longer lifespan with less need to reconstruct the road or bridge before the end of its useful lifespan to accommodate bicycles, pedestrians, or motor vehicles.

The New York State Department of Transportation embracing Complete Streets design principles for its projects is very important. Just as important is alleviating municipal, town and county highway superintendents' and public works directors' trepidation about Highway Law 331, *Complete Streets*. The New York Bicycling Coalition has completed the design of a series of programs specifically to explain this Law to municipal, town, and county highway officials and to the construction industry. We would like to present this series of programs several times in each NYS DOT Region. Yes, we need funding to send speakers to each Region; provide incentives for the highway officials and contractors to attend the seminars; and for the evaluation of the seminars. Once again we propose the use of a relatively small amount of funding for a very important continuing education project.

### **Public Transit & Bicycles**

The New York Bicycling Coalition has been involved with the new Tappan Zee Bridge Project since the early planning and public participation phases. We are very impressed with the New York State Thruway Authority and New York State Department of Transportation's inclusion of bicycle lanes and pedestrian related accommodations on the new Bridge.

We expect the new Tappan Zee Bridge to accommodate public transportation facilities in addition to the bicycling facilities. Public transit facilities are very important to the large number of commuters from Rockland and Westchester Counties.

If possible, given the current state of the State's finances, the Department of Transportation should set aside capital plan money for additional capital projects. The Governor is suggesting public transit operational fund subsidies be apportioned by population. This Committee should look closely at this proposal. Many of the less financially able counties with small populations will still need additional funds to operate their vital important local bus services.

We ask the Department of Transportation Intermodal Division to encourage all municipal, county and public transit authorities to fit ALL their buses and trolleys with bicycle racks and bicycle carriage facilities. In particular, given New York State's challenging fiscal climate, it is more cost effective to spend a small amount of additional money to purchase stainless steel bus

bicycle racks instead of painted or galvanized steel racks which have a good chance of degenerating before their useful life time expires.

In 2011, Amtrak began the transfer of its intra-state trains & routes to the State. It is very important for the Department of Transportation to continue the upgrading of major railroad stations in New York. Bicycle racks, lockers, and other bicycling facilities must be included in these stations.

Currently only one train, the *Lake Shore Limited*, traversing New York State is capable of carrying bicycles and then only if the bicycle is packed in a box and shipped in that train's baggage car. This bicycle carriage policy severely hampers bicycle tourism, particularly bringing bicycle tourists from New York City, Boston, Chicago, Toronto, and Montreal to New York State north of the New York City metropolitan region. These and similar large metropolitan areas have significant segments of their population who do not own an automobile.

NYBC regrets to report that the Empire State is lagging behind many other states, large and small, in making provisions for bikes on long haul passenger train routes. For tourism related economic development reasons we urge the Department of Transportation to purchase baggage cars outfitted with bicycle racks for the carriage of unboxed bicycles and for the trains traversing the State to be so equipped with these cars. When new Amtrak train sets are available we urge the Department of Transportation to purchase passenger cars with facilities for the carriage of unboxed bicycle inside the passenger cars.

### **Erie Canalway Trail, Cayuga-Seneca Canal Trail, Champlain Canal Trail**

The New York Bicycling Coalition strongly supports the completion of the *Erie Canalway Trail* and the *Cayuga-Seneca Trail*.

Several sections of the *Erie Canalway Trail* are shovel ready and can be completed within the current budget restrictions. Notably the sections in Oneida and Herkimer Counties; eastern Wayne County; and Niagara County from Lockport to Tonawanda are ready to be finished.

Other parts of the *Erie Canalway* need extensive routing, design work, and culvert or bridge construction. Finishing these sections of the *Canalway Trail* will necessarily be subject to a year or longer delay.

The *Cayuga-Seneca Canal Trail* is inimical to the success of tourism development in Seneca and Ontario Counties. The base layer of the *Cayuga-Seneca Trail* has been awaiting its upper layers of gravel and stone dust to be spread for at least five years. The gravel and stone dust is on site.

Likewise the *Champlain Canal Trail* needs to be complete for the entire length of the Champlain Canal.

The Committee should recognize that most users of the *Erie Canalway Trail* and the off-road and on road trails along the New York State Canals are used by New York State residents. These trails, in particular the *Erie Canalway* and the to be completed *Cayuga-Seneca Canal Trail* are bicycle commuter routes.

Respectfully submitted on behalf of the New York Bicycling Coalition,

Harvey Botzman [SS:]  
Director