Dear Rep./Sen. \_\_\_\_\_\_\_\_\_,

Last session, House Bill 1465 would have authorized the Indiana state police and the Indiana Department of Transportation (INDOT) to establish a pilot program allowing speed cameras in roadway construction zones. The Bicycle Indiana Board of Directors hope you’ll not only support a re-introduced bill for 2022, but also add language that will help keep even more Hoosiers safe on the roads.

You’re no doubt aware of how deadly the streets can be for vulnerable road users, such as highway workers, pedestrians, and people on motorcycles and bicycles. Our transportation network needs to work for every Hoosier, and improvements should get them where they need to go safely. Vulnerable Road Users deserve a higher standard of safety from the onset, not as a countermeasure later. Americans drove less in 2020 due to the Covid-19 pandemic, however, the National Highway Transportation Safety Association (NHTSA) found that the highest number of fatalities occurred since 2007. With fewer cars on the road, poor driver behavior and negligence increased, along with significant increases in pedestrian and bicyclist fatalities. With traffic back to nearly pre-pandemic levels in 2021, driver negligence continues to be a deadly issue. Driver-caused fatalities continue to rise.

America Walks reported a 45 percent increase in people being struck and killed while walking, with the last four years being the deadliest in three decades. In Indiana, the statistics are no better. Between 2015-2018 7,171 Hoosiers were struck by a motor vehicle while walking and 392 of those crashes were fatal. During the same time frame 3,529 Hoosiers were struck while riding their bikes and 56 were fatal. This means that thousands of people were struck and injured on our roadways and on average one person riding a bicycle was killed every month in Indiana over a four-year period. Unfortunately, it seems like 2021 may actually be even deadlier.

Despite these harrowing statistics, prosecutors almost never file charges unless the driver is impaired. Why? Unlike most states, Indiana doesn't have a vehicular homicide or vehicular manslaughter statute, particularly one that covers the most vulnerable. Consider the case of an Indianapolis bicycle rider three years ago. A speeding driver ran a red light and hit an Indianapolis cyclist, killing him. Despite overwhelming evidence of the driver’s negligence, Marion County prosecutors collectively shrugged their shoulders and refused to charge him with a crime. Their reason, according to Michael Leffler, the Deputy Communications Director for the Marion County Prosecutor's Office? Per Indiana law, “mere negligence does not give rise to a crime.”

“This determination (in the case) is not isolated to crashes resulting in the death of a cyclist,” Leffler said months later. “We have had other circumstances where charges were not filed after investigation of a crash resulting in death … In those cases, the driver causing the crash may have been negligent, but no basis for criminal charges were determined.”

Law-abiding motor- and bcycle riders? Mothers and children in strollers crossing the street in a crosswalk? Road workers trying to earn a living? All acceptable casualties for distracted or impatient drivers armed with two-ton battering rams racing to get to their next destination.

So what can be done? Other states have created Vulnerable Road User laws that hold drivers accountable and give the riders’ families at least a modicum of justice. Along with other members of Bicycle Indiana, I am calling for specific legislation that defines a vulnerable road user, closes gaps in our current laws, and provides additional penalties to drivers who kill or injure vulnerable road users. (You’ll find the proposed language at the end of this e-mail.) I also support studying and implementing systematic changes to our transportation systems — including speed cameras — to better protect vulnerable road users.

But we shouldn’t stop with changes to the law. While holding drivers accountable will provide justice, we need to make sweeping infrastructure changes to ensure the most exposed on our roadways are also the most protected. Drivers will not ‘just slow down’ based on posted speed limits. Our roadways are designed to encourage reckless driving at higher speeds. Speeding not only causes collisions and traffic congestion, but it also leads to incapacitating and fatal injuries at an exponential rate for non-motorists. Car crashes continue to be less fatal for motorists due to the increased safety features installed in motor vehicles. Pedestrians and bicyclists do not have that luxury.

Please help us create safer Hoosier streets for everyone by supporting (and perhaps co-sponsoring) this legislation and investing in better infrastructure. Thank you.

Signed,

Your Name

Here’s the proposed Vulnerable Road User Amendment language we would like to see added to your bill.

**Enhanced penalties for moving violations causing injury or death to vulnerable road *users:***

*For the benefit of this amendment, a vulnerable road user, or VRU, is someone who is at greatest risk for serious injury or death when they are involved in a motor-vehicle-related collision. This includes:*

* *A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;*

* *A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;*

* *A person riding an animal;*

***or***

* *A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway: 1) a farm tractor or similar vehicle designed primarily for farm use; 2) a skateboard, roller skates, or in-line skates; 3) a horse-drawn carriage; 4) an electric personal assistive mobility device; or 4) a wheelchair.*

*A person who commits a moving violation that causes serious bodily injury to a vulnerable road user commits a Class A misdemeanor punishable by a fine of not less than $2,500, serve a minimum of 60 days in the county jail or state penitentiary, and attend an Indiana Bureau of Motor Vehicles-approved driver improvement course.*

*The court shall also revoke the person’s driver license for at least 30 days.*

*A person who commits a moving violation that causes the death of a vulnerable road user commits a Class 6 felony, punishable by a fine of not less than $5,000, serve a minimum of six months in the county jail or state penitentiary, and attend an Indiana Bureau of Motor Vehicles-approved driver improvement course. The court shall also revoke the person’s driver license for at least one year.*

*This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of the law.*

*Also, a study session shall be created to better and more quickly implement the “Safe Streets program” across the state, as well as study and develop alternative, “smarter streets,”including: Separate/interconnected infrastructure for pedestrians and cyclists, lowering speed limits in the heart of each city with a population above 50,000 people, and implementing automated traffic enforcement via speed and red-light cameras in worksite and school zones.*

*This act shall take effect July 1, 2022.*