



# SONDY POPE-ROBERTS

STATE REPRESENTATIVE

08 SEP 19 PM 2:13

September 17, 2008

City Clerk's Office  
Room 103, City-County Building,  
210 Martin Luther King Jr. Blvd.  
Madison, WI 53703

To Whom It May Concern,

I am contacting you as a result of a recent incident in the City of Madison, in which a bicyclist was cited for riding too close to a parked car after being hit by an opened car door. I wanted to share some information about an ordinance the City of Chicago passed to address the issue. For your reference, I have also included the relevant Isthmus articles covering the story.

Our local area is fortunate to have well-developed trail systems and bike lanes that encourage our citizens to use alternative transportation. It is important, however, to ensure that parties who share our roadways do so in a safe fashion.

Thank you for your time and consideration of this matter. If you have any questions on this or any other issue, do not hesitate to contact me.

Sincerely,

Sondy Pope-Roberts  
State Representative  
79<sup>th</sup> Assembly District

### Chicago's Sample Ordinances:

In accordance with Chicago's *Bike 2015 Plan*, a city ordinance seeks to increase fines for traffic violations that endanger bicyclists, clarify instances where bicyclists have the right-of-way, and align Chicago's traffic rules with state traffic laws.

The 2008 Bicycle Safety Ordinance seeks to improve bicycling in Chicago by:

- Requiring a minimum of three feet clearance while passing bicyclists.
- Prohibiting a motorist from opening a vehicle door into moving traffic, which reduces the threat of "dooring."
- Raising the fines for vehicles parked in bike lanes or marked shared lanes, in recognition that blocking these lanes forces bicyclists to merge into faster vehicular traffic.
- Requiring motorists to yield to oncoming bicyclists when turning left, which prevents a "left hook" crash.
- Prohibiting motorists from turning right in front of a bicyclist, similar to the prohibition against turning right in front of a bus. This would prevent a "right hook" crash.
- Requiring motorists to exercise due care for bicyclists in addition to pedestrians.

Violation of any one of the above rules would result in a minimum fine of \$150. When a violation leads to a bicycle crash, the minimum fine will be \$500. By clarifying these rules and fines, the ordinance makes it easier for police to issue tickets and for prosecutors to bring charges when bicyclists are struck by motorists.

The Bicycle Safety Ordinance is sponsored by Mayor Richard M. Daley and the Chicago Department of Transportation.

Learn about the Chicagoland Bicycle Federation's legislative agenda at [www.biketraffic.org/legislation](http://www.biketraffic.org/legislation)

**MADISON.GOV****Cops ticket biker hit by car door**

State law protects careless drivers but penalizes those they hurt

[Vikki Kratz](#) on Thursday 08/14/2008, (4) [Comments](#), (6) Recommendations

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## Article Tools:

Linda Willsey saw the car door opening a split second before it hit her. She was biking down Henry Street, on her way home from work at Community Pharmacy, when someone in a parked car swung open the door without looking.

"I think I yelled 'No!'" says Willsey, as the door hit her right side. "I went into the air and landed on my back."

She was taken to the emergency room with multiple contusions and a fractured vertebra. As she was waiting to have X-rays taken, Madison police officer Jean Papalia paid a visit.

"She said, 'Gee, I'm really sorry, but I have to issue you a citation,'" recalls Willsey. The \$10 ticket cited a little-known state law that requires bicyclists passing a parked or standing vehicle to allow "a minimum of three feet" between themselves and the car.

"I don't think I was riding my bike dangerously close," says Willsey. "I was at a reasonable distance." The car, she adds, was not damaged.

Willsey plans to fight the ticket in court next week. She's already received a letter from the motorist's insurance company, citing the state law as a reason to deny any future claims. "I hadn't intended to file a claim," she says. "But I might now just to show them."

Police spokesman Mike Hanson is momentarily dumbfounded when he hears about Willsey's ticket. "Wow," he says finally. "I've never heard of that."

Hanson doubts officers are regularly ticketing bicyclists who get doored. "This would be an obtuse citation."

But he notes that when a person is injured in a traffic accident, police are obligated to ticket someone, unless they get a supervisor's approval. And Hanson can't think of any law the motorist who hit Willsey violated. "There's nothing specific about opening a door."

Michael Rewey, a board member of the Bicycle Federation of Wisconsin, disagrees. He thinks the driver should have at least been cited for obstructing traffic.

"If another car got doored, there would have been some form of obstruction ticket," he says. "I don't think there's fair treatment of all modes of transportation."

The Bike Fed may lobby the state Legislature to get the law changed. Willsey has already contacted state Sen. Fred Risser (D-Madison), who wrote back that he, too, had once been hit by a car door while biking. He promised to draft a bill, writing: "At the very least I think cars should show the same 'due care' when

opening a car door."

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Rewey notes that some Madison bike lanes require bicyclists to pass within three feet of parked cars; in fact, he thinks many newer lanes are too close. "A lot of bike lanes are right on the edge," he says. "If you're in the bike lane and get doored, whose fault is it?"

Certainly not the impatient, barely-paying-attention drivers who fling open their doors.

### Merge this!

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When John Roussos, owner of New Orleans Take-Out, renewed his restaurant license this summer, he got an unpleasant surprise. The annual fee, previously \$382, was now more than \$700.

**V V**

"I work long, hard hours to keep my business open," he complains. "What am I getting for [an extra] \$340?"

The fees increased after Dane County and the city of Madison merged their health departments this year. Roussos, whose restaurant is in the town of Madison, used to get a license from the county, which charged every restaurant a flat fee. The new Public Health Department adopted Madison's method of charging fees based mostly on revenue.

"There's now one standard set of services and fees applied universally over all of Dane County," says department head Dr. Thomas Schlenker. "It's a natural outcome of the merger."

Roussos' restaurant falls into one of the higher revenue categories: \$250,000 to \$1 million. "I can see a million-dollar restaurant paying \$700," he says. "But a \$250,000 restaurant is barely in business. Should somebody making four times as much pay the same?"

Schlenker agrees the categories are probably too broad and could be split. "We wouldn't be against it."

The fee hike is expected to bring in about \$150,000, which will be used to hire another inspector and give all inspectors computerized tablets, improving efficiency.

"We are providing more and better service," says Schlenker, adding that Dane County did not inspect establishments as rigorously as Madison did. City inspectors, for example, would test the safety of soft-serve ice cream, which can easily be contaminated. "That was not done outside the city of Madison anywhere in Dane County," he says. "People assume if they had an ice cream cone there would be the same safety standards."

Roussos mocks the department for claiming the merger is more cost-effective. "If they're saving money, then by that logic my fee should have gone down," he says. "I was really concerned when I heard they were going to merge — I knew I was going to get screwed."

### Streetwise

Gorham Street will not be converted into a two-way street when it reopens on Sept. 2. Although the neighborhood asked the city of Madison for a trial, there was not time to get it approved by the Common Council.

"We want to keep this idea alive," says Patrick McDonnell, president of the Tenney-Lapham Neighborhood Association. The neighborhood believes a two-way street will calm traffic and encourage more owner-occupancy. Says McDonnell, "Operating as a primary arterial for cars is not conducive to families with children."

McDonnell notes that there was "remarkably little fallout" from closing Gorham for construction this summer, suggesting it isn't needed as a downtown artery. "There is more capacity on the stretch of East

Washington than perhaps even Traffic Engineering had imagined."

Ald Brenda Konkel recently introduced a resolution calling for a transportation study of the entire downtown corridor. "No one is looking at the big picture," she says. "Streetcars looked at streetcars, Platinum Biking looked at biking. There was no overall look at downtown."

Konkel says if the city opens one-way streets like Gorham to two-way traffic, it should have some idea how the entire isthmus will be affected. And the city should plan for how cars, buses, bikes and pedestrians will interact.

"We really want to look at the whole thing as a big package," she says. "Not just do what is best for individual neighborhoods."

### Something to rethink about

The city of Madison may sue to keep Charter Communications from moving Madison City Channel 12 to a spot in the digital 900s. City Attorney Mike May is drafting a letter to the cable company.

"Comcast in Michigan announced it was doing the same thing, and a group got an injunction stopping them," says Brad Clark, City Channel's station manager. "Obviously, litigation is a last resort. But I think the city feels pretty strongly this would be a bad idea for Madison residents."

Charter has pushed back its plan to move City Channel to the fall. "It's a temporary situation," says Tom Vowell, Charter spokesman. "We're rethinking the plan."

Vowell says the company still wants to create a "Public Affairs" tier to house government channels. But it must first move some other things around. "This is a pretty complex plan," and moving City Channel "is a small piece of the puzzle."

But Charter, he says, is not worried about a lawsuit: "We're well within our legal rights."

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### Comments (4)

From Stephen Mikesell on 08/15/08 at 12:23 pm

It comes down to what form of transport and accompanying impact on the earth the city wants to promote and the extent of personal responsibility it assigns to drivers. In the Twin Cities, failing to check for traffic is illegal and the motorist is always at fault when a bicyclist collides with an opening door (they do advise that since bicyclists are always the ones to get hurt it is well-advised to ride three feet from parked cars). In Amsterdam, the automobile is always at fault no matter what the cyclist was doing.

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From scott ulrey on 08/17/08 at 12:50 pm

How is it that Hanson "can't think of any law the motorist who hit Willsey violated"? If the door had hit a car, the motorist would have been charged with obstruction, no?

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From Mike McConnell on 08/26/08 at 10:30 am

The state law should be changed. What kind of bonehead pops a door open without looking in the mirror? bicyclists have to worry about parked cars on the right and fast moving vehicles on the left--not a good combination. That being said, I think far too many bicyclists get into a "comfort zone" and don't pay enough attention to the many dangers on the roads. Also, bicyclists, remember that stop signs and lights are for you too. Stop means stop, not rolling on through.



Tuesday, September 9, 2008 | [Madison, WI](#)

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**Judge to doored bicyclist: Pay up**

Vikki Kratz on Thursday 08/28/2008, (2) Comments, (5) Recommendations

Related Articles:

- [Cops ticket biker hit by car door](#)

Article Tools:

Madison Municipal Judge Dan Koval did not dismiss the \$10 ticket Linda Willsey got after being hit by a car door while riding her bike ("[Cops Ticket Biker Hit by Car Door](#)," 8/15/08)

"I was dumbfounded," says Willsey. "I thought the whole thing was so absurd that it would be dismissed "

Willsey went to the emergency room with a fractured vertebra after being doored on Henry Street this summer. At the hospital, a Madison police officer cited her for violating a little-known state law that requires bicyclists to maintain three feet of distance between themselves and cars. The motorist who hit Willsey was not ticketed.

At Willsey's court hearing last week, she was told she could avoid the fine by attending bike safety school. "That was not an acceptable option," she says. "Going to bike safety school says I did something wrong "

Mike Rewey, a board member of the Bicycle Federation of Wisconsin, says the group may lobby for a change in the state law. Rewey wants a provision that would make it illegal for anyone to open a car door into any mode of transportation, including pedestrians. "I can just imagine a jogger getting doored," he says.

Willsey is now consulting an attorney, before her next court appearance on Sept. 22. If Koval does not dismiss the ticket at that time, Willsey may appeal his decision and could end up before a jury. She sees little alternative.

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"I am not guilty," she says. "I ride my bike safely."

**Comments (2)**

From [Mike McConnell](#) on 08/29/08 at 11:30 pm

It's a matter of perspective. The bicycle was in motion. Did the door hit the bicycle or did the bicycle hit the door?

Also, the comment about a jogger getting doored---should joggers be in the street? Isn't that what sidewalks are for?

From [Greg Ferguson](#) on 09/03/08 at 2:38 pm

I'll bet the door was in motion too

In terms of joggers, there are many streets that don't have sidewalks; like the one I live on. What's a jogger