



February 16, 2021

**Testimony NEITHER FOR NOR AGAINST LD 236
An Act To Amend the Definition of "Reportable Accident"**

I write today to the Committee on Transportation on behalf of the Bicycle Coalition of Maine (BCM). I am Eliza Cress, outreach manager for the BCM, thank you for the opportunity to submit testimony. The Coalition is neither for nor against LD 236, An Act To Amend the Definition of "Reportable Accident."

As the leading state-wide organization advocating for pedestrians and people on bikes, we would like to encourage the replacement of the word "accident" with "crash" in the title and throughout this bill.

An accident, by definition, is an unfortunate incident that happens unexpectedly and unintentionally, is often unavoidable, and typically results in damage or injury. While we understand that most crashes involving a pedestrian or persons on bikes with a motorist do not occur intentionally, the use of the word accident suggests that no one is responsible for the incident. This language discounts human error.

For example, crashes can be accidental, but accidents can't be blamed. Roadway fatalities are at a 50 year high in the United States, as a result of crashes, collisions, and other incidents caused by drivers. Of all the crashes that occur in the U.S., only about 6 percent are caused by vehicle malfunctions, weather, and other factors. Therefore it is crucial to use language that acknowledges that these occurrences are not random and are in most cases avoidable.

Subtle changes in language can make a huge difference in how a crash is characterized in police and insurance reports, addressed in the news and public policy, and ultimately impacts how the event is tried in court if it ever gets there. Across the country, more than 28 state departments have moved away from the word "accident" because of its implicit nobody's-fault attitude. Furthermore, it can be seen as normalizing a public health issue in a way that the word "crash" helps to reinforce the enormity of the issue.

We hope that you will consider encouraging this shift in language and therefore support the protection of pedestrians, people on bikes (vulnerable users), and all road users across the state.

Thank you for the opportunity to comment.

The Bicycle Coalition of Maine