



April 5, 2021

**Testimony in Support of LD 821
"An Act To Improve the Investigation and Prosecution of Cases
That Involve Vulnerable Road Users"**

Greetings Chairs Diamond and Martin, and to the other members of the Committee on Transportation. My name is James Tassé, and I am here on behalf of the Bicycle Coalition of Maine to urge an "ought to pass" vote from the Transportation Committee on LD 821, "An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users."

As the leading statewide organization advocating for pedestrians and people on bikes, the Bicycle Coalition of Maine hears frequently from victims and grieving families about crashes with motor vehicles, which often result in life-changing injuries or death. And sadly, we also hear frequently that even in cases where the driver is clearly at fault, no tickets, charges, or penalties are imposed on the driver.

Law enforcement officers who respond to bicycle and pedestrian crashes have a tough job. They must both investigate the facts of a crash and decide what the contributing factors in the crash were. And if they find that the driver's actions have contributed to the crash, they must decide whether or not to take legal action, often with that driver present. Officers' human empathy and their understanding that a crash was not deliberate can influence the analysis of the facts. Uncertainty about whether the case meets the standards for prosecution can result in officers choosing a lesser course of action than pursuing charges.

LD 821 will change this situation by requiring a DA to review any case of a crash that results in the injury or death of a vulnerable user, and permit a more deliberative, objective, and impartial decision removed from the immediate circumstances of the crash. It will provide justice to vulnerable users, as well as protections for drivers, who will have their cases reviewed by DAs if they are involved in a collision with a vulnerable user. The law will provide greater consistency in the legal response, and better records of these incidents.

The structure and language of bill before you is adapted from Title 25, §3871, and thus reflects a policy already extant in Maine Law.

The Cumberland County Sheriff's Office has submitted testimony in support of the bill. If it becomes law, LD 821 will:

- Make law enforcement officers' jobs easier, by letting them focus on accurate and detailed collection of facts and putting the burden of whether to issue charges in the hands of the DA.
- Create greater consistency in crash response—all injury/fatal crashes will get the same legal review from the DA's office.
- Not be a burden on DAs, as the maximum number of cases like this is estimated to average out to fewer than eight per week statewide. Cumberland County District Attorney Sahrbeck did not feel that this law would be burdensome in a conversation in December of 2020.
 - Encourage drivers to be more careful if they know that their actions would be reviewed by a DA in the event of a crash involving a person walking or bicycling.
 - Create a database that captures the frequency with which injury/fatal crashes involving VUs result in citations or charges.
- Acknowledge the seriousness of this problem, and will begin the process of treating vulnerable people walking or bicycling on roadways who are injured or killed more like victims of gun violence or sexual assault, where the DA has input into the process.
- Recognize and seek to address the epidemic of vulnerable user deaths and life changing injuries by making charges and citations against bad drivers a more common outcome of a crash.
- Help drive more accurate crash investigations and reporting on the part of police officers.

It's time for the legal system to do a better job for the vulnerable users on Maine's roads. Passing LD 821 is an important step in that direction.

Please vote "Ought to Pass" on LD 821.

I'm happy to take questions.

James C. Tassé
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Bicycle Coalition of Maine

