Avoiding Two-Wheel Tangles

No matter how you spin it, bicycle commuting is on the rise.

Between 2000 and 2012, the number of U.S. workers who traveled to work by bicycle increased by 60.8 percent, from about 488,000 to about 786,000, according to the Census Bureau. Although the total number of cycle commuters is still a fraction of the working population—there were roughly 140 million total workers during that same timeframe—the increase in bicycle commuting exceeded the percentage increase of all other travel modes during that 12-year period.

With this growth in cycling for transportation, as well as recreation, lawmakers are increasing their efforts to improve safety and reduce bicyclist deaths and injuries—at least 743 cyclists were killed and an estimated 48,000 injured in motor vehicle crashes in 2013, according to the latest National Highway Traffic Safety Administration numbers.

One of those strategies is to enact so-called safe-passing laws to make the roadways safer for those on two wheels.

All states’ traffic laws derive from the Uniform Vehicle Code, which says drivers must keep a “safe distance” from cyclists when passing in the same lane. But the lack of specific guidelines with regard to motor vehicles and bicycles has led to confusion. In 1973, Wisconsin became the first state to enact a law requiring motorists to maintain 3 feet of distance when passing a cyclist. Since then, at least 26 states and the District of Columbia have enacted 3-foot passing laws, and two states have gone further. Pennsylvania drivers must give bicyclists 4 feet of space when passing, and, as of last year, South Dakota drivers must give riders 3 feet of space when passing on roads with posted speed limits of 35 miles per hour or less and at least 6 feet on roads where the limit is greater than 35.

Alabama and Wyoming, both of which enacted safe-passing laws in 2015, allow exceptions to their 3-foot requirement. Virginia clarified its law to allow drivers to cross a double line in order to pass a bicyclist, pedestrian or other non-motorized road user.

Do the new laws make the roads safer for cyclists? Enforcement is a challenge. Florida lawmakers, for example, passed a 3-foot law in 2006, but of the nearly 500 drivers cited in 2014 for passing bicyclists illegally, only eight were found guilty. The difficulty for officers is determining, sometimes at a glance, how much space is between a cyclist and a moving vehicle. Judges typically throw citations out because of insufficient evidence of wrongdoing, meaning motorists often are ticketed only when they actually hit a rider, according to advocacy groups like the League of American Bicyclists. To make enforcement easier, some in Florida want bicycles covered by the state’s Move Over Law, which requires drivers to move over a lane or reduce their speed to 20 mph below the limit if a law enforcement or an emergency vehicle is on the shoulder.

Still, according to advocates, 3-foot laws create a legal framework to protect cyclists, set a less arbitrary standard and raise awareness of the importance of safe passing.

Those hoping new technology might help police officers to enforce the laws are watching the results of a first-in-the-nation test in Chattanooga, Tennessee, where the police department agreed to try out a device called BSMART (Bicyclist and Safe Monitoring Applied Radar Technology). Made by an Austin, Texas, software company, the device is about the size of a GPS unit and is mounted to the handlebars of officers’ bikes. It uses ultrasound to calculate the distance between the cyclist and passing vehicles. If a car passes at a distance of less than 36 inches, the officer can signal the driver to pull over, if the situation allows. Regardless, a separate camera mounted to the handlebars records the vehicle make and license plate numbers. Chattanooga judges have said that, if citations are issued, they will consider evidence from the new system.

—Kevin Frazzini and Douglas Shinkle
Go Ahead, Break and Enter

This is the time of year when many of us start dreaming of the hot, sunny summer just around the corner. But that heat comes with a few risks. One is what can happen when cars are locked up and left in the sun. Even when it’s only 75 degrees outside, within 20 minutes, the temperature inside a car can be above 100 degrees.

Nearly 40 children die every year from heat stroke after being left in hot cars. Last year, as of late September, that number was at 23, according to Kids and Cars, a nonprofit child safety organization. Animals are also at risk; hundreds die each year when they are left too long in closed-up cars, according to the American Veterinary Medical Foundation. There are 19 states with laws specifically making it illegal to leave a child unattended in a vehicle and to protect animals left in vehicles.

Legislatures in Delaware, Oklahoma, Virginia and Washington passed bills last year addressing the dangers of leaving children and animals unattended in hot cars. California, Florida, Iowa, Kentucky, Maryland, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Carolina and Virginia have legislation pending this year. Florida has four pieces of legislation pending on the topic, with two in the House and two in the Senate.

The new laws in Oklahoma, Tennessee and Virginia provide immunity from civil liability when an individual breaks into a car to rescue a child or animal. The legislation in Delaware and Washington requires a first responder or animal control officer to be the one to actually enter the car.

Thirty-four states have “good Samaritan” laws that may waive liability for people rescuing unattended children left in vehicles.

Washington’s new law also made it a civil infraction, subject to a fine, to leave an animal unattended in a car if leaving it could cause harm or death to the animal. Legislation introduced this year in Virginia relates specifically to rescuing companion animals left unattended in vehicles.

—Amanda Essex

Dental Dilemma

Medicaid covers dental care for all low-income children and millions of adults in all but four states, but having the coverage doesn’t necessarily result in receiving the care. Finding a dentist who participates in Medicaid can be difficult as only about a third of dentists do. The Medicaid reimbursement rates for dental care are relatively low. In addition, like with other services, 47 million Americans live in an area that lacks enough dentists to care for the population.

Waiting too long to see a dentist can result in a costly emergency room visit and a more serious disease. In fact, toothaches are one of the top reasons for emergency room visits, which doubled nationwide, from 1.1 million to 2.1 million, between 2000 and 2010, according to the American Dental Association.

Some believe a potential solution to the lack of available dental health care is to train and license midlevel “dental therapists” to perform some preventive and routine care that currently is reserved for only dentists. This would free up the dentists’ time for more complex cases. Therapists work in conjunction with a dentist but because they require less education, they are cheaper to train and employ.

Dental therapists are fairly common around the world, and interest in them is growing in the United States. Alaska was the first state to employ dental therapists, but Minnesota, in 2009, was the first to license them. A growing number of states—from California to Maine, Florida to Washington—have shown interest in the profession. And in August 2015, the Commission on Dental Accreditation adopted national standards for training programs.

The American Dental Association has taken a national stand against the midlevel dental provider model arguing that the one-size-fits-all approach is not a viable solution to the diverse set of barriers that impede millions from getting dental care. The dentist group argues that therapists’ lack of training can pose risks to patients with serious dental problems. It favors instead a broader package of initiatives that an emphasis on community coordinators to counsel patients on oral health and help them find a dentist.

—Zita Toth, NCSL intern
Treasure in the Trees

It’s not going out on a limb to say trees benefit humans and the natural environment—from timber and forest products to rural jobs to biomass feedstock to water, soil and air quality improvements.

As forests increasingly face threats from invasive insects, disease, wildfire, urban development and climate change, state policymakers are working to maintain and cultivate these resources to maximize their environmental, economic and human benefits.

More than two-thirds of all forestland in the United States is timberland, meaning it is capable of producing commercial hardwood or softwood. Southern states take the lead with the largest share of timberland in the country.

The forest industry makes up 4 percent of the total U.S. manufacturing GDP, helping drive the U.S. economy. According to the American Forest and Paper Association, the industry employs almost 950,000 workers and is a Top 10 manufacturing employer in 47 states.

Beyond timber and paper, forests yield significant “biomass” resources in roots, wood, bark and leaves that are the by-products from wildfire mitigation, forest thinning or timber harvests. Biomass can be burned to produce renewable electricity or heat and provided 5 percent of the energy used in the U.S. in 2014–46 percent of which was from forest biomass.

Forests also help regulate air quality, climate, water flow, water purity and erosion. Forests provide natural filtration and storage systems that process nearly two-thirds of the water supply in the country. Forest vegetation absorbs and stores carbon dioxide and other nutrients and sends oxygen back into the atmosphere. Through these processes, forests annually remove and store almost 15 percent of total U.S. carbon dioxide emissions—a quantity that offsets yearly emissions from 50 million vehicles.

New federal regulations to reduce greenhouse gas emissions—the Clean Power Plan—have brought carbon emissions and forests to national attention. While simply planting more forests cannot be a method of complying with these regulations, forest programs can play a complementary role in state compliance plans while also contributing to broader statewide carbon reduction strategies. For example, states can increase their renewable energy generation by using biomass for electricity. In 2015, Vermont required the development of a specific standard to determine when biomass energy could be considered renewable. States could also use revenue from the sale of carbon allowances or a carbon tax to fund sustainable forest initiatives that protect stored carbon and increase future sequestration, as California began in 2012.

Many states recognize the value of forestland and have adopted policies intended to secure these resources for the future. Common approaches include state programs that pay landowners to keep their forests as forests, and cost-share programs that pay landowners to undertake management practices that prevent fire and improve forest health.

California’s Forest Legacy Program, for example, encourages the use of conservation easements to protect forestland from being developed for other uses. Participating landowners must prepare a management plan addressing various resources and, in return, may qualify for an income tax credit on the value of donated land.

Another approach provides landowners with tax incentives to encourage forest conservation and management. In North Carolina, as in several states, qualifying forest landowners can apply for property tax treatment based on the value of land in its current use, rather than its market value or development potential, which generally leads to tax savings.

Forests will continue to play a role in state policies as legislators and stakeholders work to get to the root of sustainable and comprehensive environmental and economic forest practices.

—Jocelyn Durkay and Jennifer Schultz