

Eyes And Wheels On The Road

Cities And States Working To Crack Down On Growing Number Of Distracted Bicyclists

BY JENNI BERGAL
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WASHINGTON — Worried that bicyclists who chat, send messages or listen to music on smartphones are creating a danger, a number of cities have banned cyclists from using hand-held cellphones or texting while riding. And several states prohibit bicyclists from using headphones or earplugs.

The efforts to reduce the risk to cyclists, pedestrians and motorists come as cities are trying to become more bike-friendly, and people increasingly turn to electronic devices to communicate and navigate.

"If they want to share the road, they have to share the responsibility as well," said Massachusetts state Rep. Steven Howitt, a Republican, who has introduced a bill that would prohibit bicyclists from wearing headphones.

Bicycle advocates say cyclists should use common sense and not use hand-held electronic devices at all when riding. Nor should bikers use headphones if they are distracting. But advocates also say there's no evidence that such use has resulted in deaths or serious injuries, and question whether creating laws or slapping fines on cyclists makes sense.

"There's a huge difference between distracted driving that kills someone and distracted biking that doesn't," said Peter Wilborn, founder of Bike Law, a network of personal injury lawyers that focuses on cycling issues. "I don't think we need laws specifically for this."

Most state laws don't directly deal with cyclists using cellphones or texting. But at least seven states

— California, Delaware, Florida, Maryland, New York, Rhode Island and Virginia — specifically include bicyclists in their laws restricting or banning the use of headsets or earplugs. An eighth state, Pennsylvania, prohibits people driving vehicles from using headsets, a prohibition that likely applies to bicycles, which are defined as vehicles in that state, AAA says.

Delaware bars cyclists from wearing earplugs or headsets covering both ears. Maryland does the same, except when cyclists are riding on bike paths. In Rhode Island, bikers or drivers who wear earphones, headsets or other listening devices are subject to an \$85 fine for a first offense, \$95 for a second and \$140 for a third or subsequent offense. The state does allow the use of cellphone headsets that provide sound through just one ear.

And in Massachusetts, Howitt's bill is pending in the Joint Transportation Committee. Drivers can't wear headphones in the state, and it should be the same for bicyclists, he said.

"In this age of electronics and constantly being entertained, I see bicyclists with headphones on, particularly in the city (Boston)," Howitt said. "A biker could be cutting across an intersection, and an ambulance is coming through and he's not hearing it if he's playing music very loud."

Ken McLeod, with the League of American Bicyclists, said his cycling advocacy group supports allowing bikers to choose whether to wear headphones. He said he is unaware of any research on the impact of using headphones on cyclist safety so his group is unlikely to support laws that ban their use.



PHOTO: METRO GRAPHICS

When it comes to cellphones and texting, McLeod said his group promotes hands-free biking, and if cyclists are getting distracted, "it's an appropriate area to be regulated."

"You're most in control of your bicycle if you have both hands on the handlebars," he said. "Anything that detracts from that is probably

going to make you less safe."

But McLeod warned there could be problems with how cities or states enact and enforce distracted biking laws. Many cyclists, for example, mount cellphones on their handlebars and use them as training devices, with apps that track everything from speed to revolutions per minute, and they

shouldn't be penalized, he said.

And cyclists using cellphones or wearing headsets are more likely than drivers to be arbitrarily targeted by police because they are more visible, McLeod added.

"If they're going to be doing more enforcement of distracted biking than distracted driving, that's not the answer," he said. "They need to invest more in cracking down on dangerous behavior by drivers because that's what causes death and injuries."

New York state Assemblyman Jeffrey Dinowitz, a Bronx Democrat, said he has tried for years to get a bill passed that would prohibit cyclists in the state from using hand-held cellphones or texting. Drivers in New York already are banned from using them.

"I've seen people bicycling and talking on their cellphones at the same time. I've seen people texting. That's crazy," he said.

"It's likely that if you're holding the phone with one hand, you're certainly distracted," he added. "This bill would hold bicyclists to the same standard as motorists, when it comes to cellphones. It's something our state should do, and other states should do the same thing."

But most legislatures haven't addressed distracted biking. And in the small number of states where bills have been introduced in recent years, they haven't met with much success.

In California, the Legislature passed a bill in 2011 that would have extended the state's hands-free, no-texting law to bicyclists. But the measure included provisions unrelated to bikers and was vetoed by Democratic Gov. Jerry Brown.

Distracted biking legislation also has failed in Oregon, New York and Virginia, according to Douglas Shinkle, a transportation policy expert for the National Conference of State Legislatures.

Many States Panicked By Clean Power Plan: Here's Why

BY SOPHIE QUINTON
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WASHINGTON — The four huge power plants that stand smoking in Colstrip, Mont., don't just employ hundreds of workers. They pay property taxes that allow the city of some 2,000 people to afford services other remote, rural communities lack, such as parks and recreation department.

The electricity-generating plants consume almost all the coal mined at the Rosebud Mine, the second-largest coal mine in Montana. When the mine removes — or "severs" — coal from the earth, the mining company pays the state a severance tax on the value of the coal. Some of the money is invested into state trust funds, and some goes to support statewide services, such as public schools.

But new federal regulations for power plants threaten to put cities like Colstrip out of business. Puget Sound Energy, a part-owner of the Colstrip plants, already wants to close two of them. That would have a fiscal impact on the entire state. A 2010 University of Montana study found that the Colstrip operations contributed 4.5 percent of all state tax revenue and \$104 million in state and local taxes.

Many states with significant reserves of coal, oil and natural gas depend on revenue from severance taxes on natural resources. In 2013, Montana's tax revenue from severance taxes was nearly 12 percent. In West Virginia it was 13 percent and in Wyoming it was 39 percent, according to a Stateline analysis of U.S. Census Bureau data.

No wonder those states are so upset about federal Clean Power Plan regulations, President Barack Obama's bid to reduce the emission of greenhouse gases affecting the Earth's climate. The regulations, which take effect in December, will require states to reduce emissions from power plants. Coal emits more greenhouse gases than other energy sources, so one way for states to meet the federal goal is to shut down coal-fired plants.

State Rep. Duane Ankney, a Republican who represents Colstrip, said the federal rule would cost Montana dearly: "We're talking a \$700 million to \$800 million fiscal impact to the state, county and local governments."

Montana is one of 26 states suing to stop implementation of the regulations. But regardless of the outcome of the lawsuits, some communities that have depended on coal jobs and tax revenue may have to learn to live without them.

The energy industry is prone to boom-and-bust cycles, and right now, the coal and oil industries are going through a bust. A growing number of coal companies

have declared bankruptcy in the past year. State budgets have tightened as the industry slides.

Last month, West Virginia's Democratic Gov. Earl Ray Tomblin announced a 4 percent, across-the-board budget cut to compensate for a deficit driven by a \$190 million drop in severance tax collections. Wyoming's Republican Gov. Matt Mead announced \$200 million in budget cuts, citing falling energy prices.

A boom in natural gas has created a cheaper, cleaner alternative to coal, while federal regulation has made coal-fired power plants more expensive. A 2012 mercury and toxic pollution rule, for example, has led operators to shut down plants or install new equipment.

States like California, New York and Washington, the home state of Puget Sound Energy, have made big, public commitments to fighting climate change by shifting their energy consumption to cleaner fuels. Washington's commitment is one reason why Puget Sound Energy wants to stop getting electricity from Colstrip.

"Coal reductions are happening in all 50 states," said Bruce Nilles of the Sierra Club, which along with its partners has helped to convince states and municipalities to shut down 206 power plants since 2010.

The U.S. Energy Information Administration expects coal-fired power plants to continue to shut down and for very few new coal-fired plants to replace them, even without

the Clean Power Plan. That's a big deal, because more than 90 percent of the coal mined in the United States is burned to produce electricity, according to the EIA.

Analysts say the economic woes felt in some parts of coal country, such as southeastern West Virginia, are part of a long-term trend.

"This one's not cyclical. This is a permanent shift," said Evan Hansen, principal at Downstream Strategies, a West Virginia environmental consulting firm.

Hansen said Central Appalachia faces an additional challenge: digging for coal is more expensive there than in other regions of the country, partly because of federal mining regulations.

The Clean Power Plan gives each state a different emissions reduction target, depending on the mix of energy used in that state. California is well on its way to meeting its target; Montana may struggle.

"There is no wiggle room for Montana in this Clean Power Plan," Ankney said.

Montana has to reduce its carbon emissions by 47 percent of 2012 levels by 2030. Over half Montana's electricity is produced by burning coal, according to the EIA. Most likely, Ankney said, complying would mean shutting down eight small coal plants.

Ankney is trying to keep the Colstrip plants running. Last month, he traveled to Washington state to plead with legislators there who

have to approve Puget Sound Energy's planned changes. As many as 400 jobs are at stake.

Ankney said there just aren't that many other good jobs in eastern Montana, a sparsely populated, rural part of the state. Colstrip is 30 miles from the nearest highway. The closest large city is Billings, a 120-mile drive away.

It's always tough for a small, isolated economy to lose its dominant industry. Consider steel mill and factory closures in the Rust Belt in the 1970s and '80s, or military base closures in the 1990s.

The coal industry has left Colstrip before, when trains switched from coal to diesel fuel in the mid-20th century. "Colstrip became pretty much a ghost town. There was no longer any reason for it to exist, other than that the school was here," said John Williams, Colstrip's mayor.

Some utilities and states

that are moving away from coal have agreed to spend money to help workers transition, Nilles said. The Obama administration has set aside up to \$35 million to help develop local economies and proposed additional funding for job training that Congress has yet to approve.

In states that rely on severance taxes, a struggling coal industry could have a bigger impact on tax revenue than on statewide employment levels, said Mark Haggerty, an analyst at Headquarters Economics, a research company based in Bozeman, Montana.

In Montana and Wyoming, coal mining raises a disproportionate amount of revenue. In Wyoming, coal mining employed about 1.8 percent of all workers, according to a University of Wyoming study in 2012, but generated about 11.2 percent of all government revenue.

The study's co-author,

Robert Godby, hasn't had the chance to analyze the final Clean Power Plan rule yet. But in looking at the draft, he anticipated that Wyoming's combined natural gas and coal revenue could fall as much as 46 percent by 2030.

Severance tax money has allowed many energy-producing states to keep other taxes low. Wyoming, has neither a personal nor a corporate income tax.

The Clean Power Plan pushes states to invest in renewable energy sources, which could create a new source of revenue. Wyoming started taxing wind power in 2012, for instance. But wind power isn't much of a moneymaker. Wind is free, so all a state can do is impose sales and property taxes on wind farms, Godby said.

Thanksgiving Day Deadlines

The Yankton Daily Press & Dakotan will be closed Thursday, November 26, for the Thanksgiving holiday.

The following deadlines will apply:

Friday, November 27 newspaper.....	Monday, November 23, 5 p.m.
Out On The Town	Wednesday, November 25, 5 p.m.
Saturday, November 28 newspaper.....	Tuesday, November 24, 5 p.m.
Monday, November 30 newspaper	Tuesday, November 24, 5 p.m.
Tuesday, December 1 newspaper	Wednesday, November 25, 3 p.m.

There will be no newspaper on Thursday, November 26, 2015.

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MORNING COFFEE

WEEKDAYS MONDAY-FRIDAY

AM 1450

Monday, November 23
7:40 am Yankton City Manager (Amy Nelson)
8:20 am MMC Athletic Trainer (Sara Bortscheller)

Tuesday, November 24
7:40 am The Center (Julie Greenfield, Kriss Thury)
8:20 am Hy-Vee Dietician (Kenny Tomek)
8:45 am Mead Building (Laura Bell)

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New Long-Term Care Center Addition Open House

Avera Sacred Heart Majestic Bluffs is hosting an open house to commemorate a campus expansion that will replace the Avera Yankton Care Center. See the premiere long-term care facility in South Dakota, including the new "town center" that will serve as the cornerstone of our expanded community.

Tuesday, Nov. 24 4 - 7 p.m.

Enjoy tours of the facility, snacks and refreshments.

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