

## TESTIMONY

By Susan Cohen, Mother of Nathan Krasnopoler (1990-2011)

On the Sarah Langenkamp Memorial Safety Act SB0315

Maryland Senate—Judicial Proceeding Committee

Thursday February 22, 2024

### **Testimony of Susan Cohen,**

Good Afternoon Chair Smith and Vice Chair Waldstreicher and Committee Members. I am Susan Cohen, the mother of Nathan Krasnopoler (1990-2011) and the Founder of Americans For Older Driver Safety (AFODS). I want to thank the Committee for giving me the opportunity today to address the Committee on the importance of the law changes proposed in SB 315. I founded a non-profit organization, AFODS, in 2012 and then came before this Committee for several sessions in support of several different bills from 2012 through and including 2016. Unfortunately, I had no success.

Nathan Krasnopoler, my 20-year-old son, died in August 2011 after a driver entered the bike lane near his apartment in Baltimore. He was a sophomore at Johns Hopkins University in 2011. On February 26<sup>th</sup>, nearly thirteen years ago, on a bright sunny Saturday morning, he went to the year-round farmer's market near school. On his way back to his apartment on West University Parkway, on his bicycle and wearing his helmet, he crashed into a car turning right into the bike lane where he was riding. The turn was made just a few feet in front of him and he had no place to go and crashed into the car. The driver was 83 and she had spotted him in the bike lane before she made that turn into the bike lane. Despite knowing that he was riding in the bike lane, she did not turn her head to look for him or use her side mirrors before turning. After the collision, he flew over her car and landed on her driveway. She drove over him, pinning him between the car engine and the driveway. She got out of the car, leaving it running, and sat on a wall in front of her apartment building. She never called for help or let any pedestrians know medical help was needed for my son. He had two collapsed lungs under her car and every minute counted. Finally, a pedestrian called 911 but about 15 minutes had passed and we later found out that his brain cells had died from lack of oxygen leaving him with no cognitive function. He remained in a vegetative state until his death on August 10, 2011, 5 days after his feeding tube was removed.

The driver was found in violation of the three-foot law that had gone into effect the previous October. She was also charged with negligent driving. The ticket for negligent driving had a few boxes for the officer to check off. The driver received a ticket with the "No Injury" box checked off. That error could not be corrected, we were told. The total fine for these two violations was less than \$400. No points or anything else was charged to the driver and she was never referred to the medical review process at the Maryland MVA. It was a decade before the General

Assembly enacted the vulnerable road user law. Everyone who has heard our story is appalled. Truth indeed is stranger than fiction. That was Maryland in 2011.

Today, we can look back a few years, and find that the pandemic had a surprising effect on roadway deaths. They increased. Serious injuries too. That is despite a reduction in the numbers of drivers on the roadways. These data measures during the pandemic years show an increase of fatal crashes in Maryland and the rest of the country. For pedestrians and cyclists, the data shows fatalities and serious injuries significantly increased.

Roadways are particularly unsafe for people riding bicycles. My family knows this all too well. Bicycles are not usually allowed on sidewalks. Bike lanes do not exist on most roadways and even where they do exist, cars are able to enter the bike lane because the bike lane is rarely separated from the road lanes used by cars. Bike lanes can only be safe if drivers are aware of the bike lane, look for a bicycle occupying that lane and understand their responsibility to yield to the bicycle in the bike lane.

Many car drivers do not understand bike lanes or notice the presence of the lane or a cyclist in the lane. Likewise, many drivers do not understand and accept bicycles sharing the road lanes with cars when there is no bike lane. Hostility towards a cyclist is not uncommon.

SB 315 is about the consequences for a driver who fails to afford a duty of care to a person traveling by bicycle in a bike lane. Penalties are a large part of making the public aware of a driver's responsibilities towards a bike lane user. The Maryland three-foot law enacted in 2010 was great but it was not nearly enough. The vulnerable road user law passed in 2021 is terrific but it is still not enough to let drivers know that the lives of people on bicycles matter and people driving cars owe cyclists a duty of care.

The lost lives of Sarah Langenkamp and my son, Nathan, will be honored by increasing penalties. Please give SB 315 a favorable report so Maryland can say it values the lives of all road users.