

POLITICS

Why a 10-Year-Old Law Blocks Bike Lanes From Getting Off the Ground

The statute keeps the state from funding many projects to improve roads for walkers and cyclists. Local governments and bike advocates want to change it.

by Eric Barton May 6, 2024



A new sidewalk on Gordon Road in Wilmington is only a few hundred yards long. (Photo by Johanna F. Still)



Listen to this article now

Powered by **Trinity Audio**

1.0x

00:00

12:38

The first time the local news reported on Joshua Resseguie, it was a heartfelt story, the kind of piece that makes people feel better about the world.

Resseguie had been sleeping in his Rose Hill home in March 2023 when his dog, Beau, busted through the door. “As soon as he did that, I saw the smoke rolling in,” Resseguie [told television station WCTI](#).

Resseguie, who was mostly paralyzed, got into his wheelchair and managed to escape just minutes before the fire in the hallway would have made it impossible to exit. Beau was a hero.

Two months later, 39-year-old Resseguie and Beau made the news again. This time, a car struck Resseguie while he was traveling in his wheelchair with Beau along state Highway 210 in North Topsail Beach. Witnesses told police the car drifted into the shoulder. Beau wasn’t hurt, but [Resseguie died](#).

Even though they didn’t know each other, news of Resseguie’s death hit Sam Boswell especially hard.

Boswell is director of the Cape Fear Rural Transportation Planning Organization, which helps draw up local roadway projects for Brunswick, Columbus, and Pender counties. The road where Resseguie was struck has no sidewalks—just a shoulder painted like a bike lane where cyclists, walkers, and people using wheelchairs travel inches from cars. Boswell’s group, which was founded in 2001, had for years called for adding bike and pedestrian access along Highway 210.

“I can’t help but think,” Boswell said, “if we could have done more, there’s a chance that death was preventable.”



A new curb cut with no separation for pedestrians from the roadway in Wilmington. (Johanna F. Still for *The Assembly*)

One reason Highway 210 hasn't been addressed: A North Carolina law passed in 2013 made it much harder to improve access for pedestrians and cyclists on state roads. The law says state funds can only go to such efforts if they're part of projects that benefit drivers.

Bike and pedestrian advocates have been working for a decade to change that part of the [Strategic Transportation Investments law](#), commonly called STI. They say it puts North Carolina cyclists and pedestrians in danger. A [proposal](#) before the state legislature in the short session, which began in April, seeks to rewrite the law to allow more state funds to be used for bike and pedestrian projects—but lawmakers have floated that before and never passed it.

Bridgegate

The 2013 law would never have come to be if not for a bridge spanning a half-mile-wide reservoir in Wilson County. It was set to be taken out of commission back in 1990, and because only 600 people used the bridge on an average day, the North Carolina Department of Transportation didn't plan to build a new one.

That's when [Gov. Jim Hunt stepped in](#). Losing the bridge would mean a 2.5-mile detour to his Wilson County farm, and he ordered the DOT to get to work replacing it. The cost to state taxpayers: \$7.7 million.

The fact that Hunt pressured the DOT to build a bridge to save a few minutes off his commute made the pages of *The Charlotte Observer*, and the state canceled the project a few years later.

The legislature set out to change the DOT project approval process because of the bridge scandal, said Rep. Frank Iler, a Brunswick County Republican and one of its co-sponsors. It took 15 years, but he says the thinking behind the STI law was

simple. “The idea for it was to take the politics out of the DOT approval process as much as possible, leave it up to the data from the transportation department and the approval of the Board of Transportation,” Iler said.

The change was also aimed at restraining overall transportation spending in hopes of keeping taxes down. These days, the state spends about \$5 billion yearly on transportation projects. Of those funds, about 94 percent go to highway projects, according to the Center for American Progress, a think tank.



Rep. Frank Iler (third from left) with other sponsors of the Strategic Mobility Formula, part of the 2013 law. (Photo credit: NCDOT)

Carolina law regarding bike and pedestrian access.

He explains this with a laugh: “That is my nerdiness and wonkiness coming through. I don’t mind sitting down with the North Carolina general statutes and going through them.”

When Lansdell got to the STI law, something jumped out at him: “The Department shall not provide financial support for independent bicycle and pedestrian improvement projects.”

“What struck me was the phrase ‘shall not,’” Lansdell recalls.

What it means is this: State roadway funds must first and foremost improve access for cars. Lansdell says that means even state roads that are well known as dangerous for cyclists and pedestrians have little chance of seeing improvements—unless they’re tacked onto upgrades that help move cars.

“We just want bike and pedestrian projects to be as eligible as any other project.”

— Terry Lansdell, director of BikeWalk NC

Iler said he and his co-authors wanted to make sure voters weren’t picking up the tab for bike lane or sidewalk projects that didn’t affect them. “Whether you’re going to have bike lanes on every highway in the state, well, I don’t think that’s ever going to happen,” Iler said. “I drive in Raleigh a lot, and Raleigh has taken automobile lanes and turned them into bike lanes, and in a lot of cases, it adds a lot of confusion.”

The law led to a two-year process for approving new roadway projects. Projects proposed by local planning councils are evaluated based on criteria including the number of people they affect and the congestion of the roads. The projects eventually need sign-off by the Board of Transportation, which is made up of 14 members appointed by the governor and six appointed by the General Assembly.

As far as removing politics from the process, everyone interviewed agreed that STI was largely regarded as a success. But local planners said they began finding it harder to fund bike and pedestrian projects after the law passed.

Gotta Walk To Run

Terry Lansdell had just begun his job as director of BikeWalk NC in 2018 when he sat down to read every North

Still, the restriction is frustrating for some local planners. While cities and counties can use their own money to improve city and county roads, they must ask the state to make improvements to state roadways. Federal funds can be used for bike and pedestrian upgrades on state roads, but those projects generally require a 20 percent contribution from state or local governments. Since 2013, the state can't provide those funds for cyclist- or walker-only projects, and cities and counties usually can't afford it.

Advocates say the need for better bike and pedestrian access is clear. The number of bicyclists and pedestrians killed on North Carolina streets rose to 289 in 2022, up 51 percent from 191 deaths in 2013, **according to NCDOT**.

Projects that were already underway were grandfathered in under the 2013 law. Lansdell says it's impossible to say if the increase in deaths could have been prevented with more state roadway funds. But advocates and local planners say road improvements might help the situation, if they could get the money for them.



Asheville recently added bike lanes along a portion of Merrimon Avenue, but that's just one piece of the city's connected bike lane network that advocates would like to see grow. (Eric Barton for *The Assembly*)

Tristan Winkler, director of the French Broad River Metropolitan Planning Organization in Asheville, **one of 18 state-local partnerships** that makes transportation decisions, says his group uses 97 percent of its discretionary funds on bike and pedestrian projects. Often, the organization has a bike and pedestrian project that's been listed as a high priority, but without state funds to help pay for it, there's no way to move forward.

Asheville recently added bike lanes along a portion of Merrimon Avenue, a major thoroughfare for the city's north side. Improving bike and pedestrian access on Merrimon Avenue had appeared on the organization's **priority lists** since 2008.

But those new lanes are just one piece of the city's connected bike lane network that advocates would like to see grow. Residents in several neighborhoods still have no safe way to commute by bike or walk, said Mike Sule, founder and executive director of Asheville on Bikes.

Similarly, in Wilmington, Gordon Road, also known as state Road 2048, has no crosswalks and a sidewalk only on one side of the street (a problem that is apparently **common in Wilmington**). In Mecklenburg County, state Highway 73 is a hodgepodge of

mismatched bike lanes and sidewalks, with interchanges that include limited or no access for anything but cars. The state is now **considering widening the highway**, but the proposal includes bike lanes and sidewalks in only a section of it.

“You mourn them, of course, and then I think...could something be done to prevent this from happening again?”

— Heidi Perov Perry, a cycling advocate who has lost friends to roadway collisions

It’s common across the state to find roads with a mishmash of access points for pedestrians and bicycles, meaning traveling on them often becomes too dangerous for anything but cars, said Ann Groninger. She’s a former public defender who now mostly handles bicycle accident cases and runs the Bike Law North Carolina website, which keeps track of laws that affect biking and walking in the state.

Often, the roads that provide the most direct route require navigating “several sections where [cars] are breathing down your neck, and it’s just insane,” Groninger said.

Stay In Your Lane

Lansdell said his group and others have been working with legislators for years to rewrite STI so that bike and pedestrian projects can receive more state funding. But standalone bills have rarely gotten out of committee, and language that would have fixed the provision via spending bills was several times taken out at the last minute.

This year, Lansdell expects the state House to take up another such bill. **House Bill 198** will be in front of multiple committees while the legislature meets this spring. Lansdell is hopeful there’s enough support this time to see it pass.

“We’re just asking for a seat at the table again,” Lansdell said. “We’re not asking at this time for special money but we just want bike and pedestrian projects to be as eligible as any other project.”

Until then, Lansdell fears there will be more accidents like the one that took the life of **Durham’s budget director John Allore last year**. Allore, 59, was out for a morning ride on Bradshaw Quarry Road, a common cycling route, in March 2023 when a driver struck him from behind.

The route is one Heidi Perov Perry has biked many times over the years. She started biking as a student at the University of North Carolina at Chapel Hill in the 1970s and has made it her main mode of transportation ever since. She’s also worked in cycling advocacy since the early 1980s, and she’s lost several cyclist friends in roadway collisions. “You mourn them, of course, and then I think, ‘What could be done in this case? Could something be done to prevent this from happening again?’” she said.



Gordon Road in Wilmington has a wide shoulder but no distinct buffer for pedestrians. (Johanna F. Still for *The Assembly*)

Boswell of the Cape Fear planning organization has a similar response to tragedy—but despite Joshua Resseguie’s death, they are no closer to adding sidewalks along Highway 210. The idea has been in Boswell’s group’s master plan for the area since 2006.

Adding sidewalks, though, would require planners to buy a strip of land along the road, expensive property just steps from the beach. The Cape Fear Rural Transportation Planning Organization and town officials agree on the need for the project, but they say without state funds, made difficult by the 2013 law, it’s unlikely to happen.

Boswell still gets emotional talking about the accident. He thinks other such deaths might be prevented “if we can get the infrastructure in place,” Boswell said.

The intersection at the corner of Wicker Street where Resseguie died looks the same today—there’s no memorial or marker to signify what happened there. Wind blows over the dunes, spreading sand from the scrubgrass onto the road, as if nature was working to reclaim it.

. . .

Eric Barton is a freelance journalist who splits his time between Miami and Asheville, where he lives in a tiny cabin that was once the county poor house with his wife, Jill, and labradoodle, Finn. He has written for Garden & Gun, Men’s Health, and Outside.

© 2024 by The Assembly. All Rights Reserved.

Powered by Newspack