

**DRAFT**

**2010 General Session**

**House Bill 424**

**Operation of Bicycles and Mopeds on Roadways**

**Background Material**

**16 February 2010**

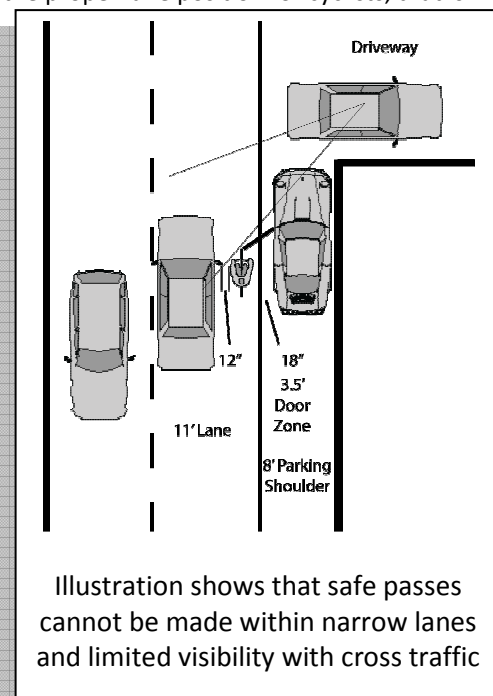
**Representative Johnny Anderson**

## Definitions:

- **Highway:** 41-6a-102(21) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel. (The entire ROW)
- **Roadway:** 41-6a-102(51)(a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel. (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles. (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways. (Roadway does not include the shoulder, even though cyclists may use them)
- **Shoulder:** 41-6a-102(55) "Shoulder area" means: (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support. (Shoulder includes the parking area and everything to the right of the fog line)

## Cyclist's Right to the Road

- 41-6a-1102: (1) Except as provided under Subsection (2)(DUI) or as otherwise specified under this part, a person operating a bicycle, a vehicle or device propelled by human power, or a moped has all the rights and is subject to the provisions of this chapter applicable to the operator of any other vehicle.
- Nine states have no discriminatory laws requiring cyclists to ride in a certain lane position. (DC, AK, IN, IA, MS, MI, NH, NC, PN)
- 41-6a-701(3) A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or (on an unmarked highway) as close as practicable to the right-hand curb or edge of the roadway, except when:
- Section 1105 conflicts with 701 and 1102: 1102 provides that cyclists have all the same rights, and 701 states that vehicles travelling slower should just ride in the right most lane, it does not require sharing by the slow moving vehicles or that they ride near the right part of the lane.
- The proposed language provides better education and an easier to understand law for everyone (cyclists, motorists, law enforcement and the judicial system) as to the proper lane position for cyclists, that is in the right lane, and only share the lane when it is wide enough and safe to do so.
- **Visibility & Safety**
  - A cyclist who is more visible to overtaking motorists, give the motorist more time to make a lane change to safely pass, this allows the motorist to merge into the next lane on multi-lane roads without slowing (thus making it easier to merge into the next lane at the same speed of other traffic).
  - When motorists get "stuck" behind a cyclist because they didn't notice them early enough or realize to late there isn't room to pass, then they have to merge with the next lane which now may be moving much faster.
  - My merging early, the flow of traffic is only minimally interrupted and traffic is more efficient.



- The more people who use bicycles for short trips and commuting, reduce congestion. The major factors of congestion are not related to cycling, but to many cars and urban sprawl before the roadway infrastructure is in place to support it.
- The roadways are essentially a “public utility” to be shared by all. Roadways by their very nature are in place for the movement of people and traffic, and should not un-necessarily discriminate between different modes of travel.
- Motor Vehicles must pass a moving cyclist with three feet of clearance

#### 10-8-69

The annoying pastimes statute dates back to the 1800’s. Over the last 20+ years cycling has grown from just being a child’s toy, to an accepted mode of transportation for adults. The “bicycles” portion is outdated and is no longer applicable. Municipalities who wish to use the statue to not allow “annoying” pastimes on the road which might include bicycles, should still be able to rely on “other amusements or practices” if needed. Having “bicycles” in the statute conflicts with the section 1102 which gives the right to cyclists to the road.

#### 41-6a-701(1)(b)

This section is updated to allow passing of significantly slower vehicles (such as a tractor, or bicycle) over the yellow line, but only if safe. Since a bicycle or tractor are generally going much slower and/or are easier to pass and see around than a normal vehicle, they take less time to pass. This section is referenced by 41-6a-708(3)(a):

*... (b) A highway authority shall designate a no-passing zone under Subsection (1)(a) by placing appropriate traffic-control devices on the highway.*

*(2) A person operating a vehicle may not drive on the left side of:*

*(a) the roadway within the no-passing zone; or*

*(b) any pavement striping designed to mark the no-passing zone.*

*(3) Subsection (2) does not apply:*

*(a) under the conditions described under Subsection 41-6a-701(1)(b); or*

*(b) to a person operating a vehicle turning left onto or from an alley, private road, or driveway.*

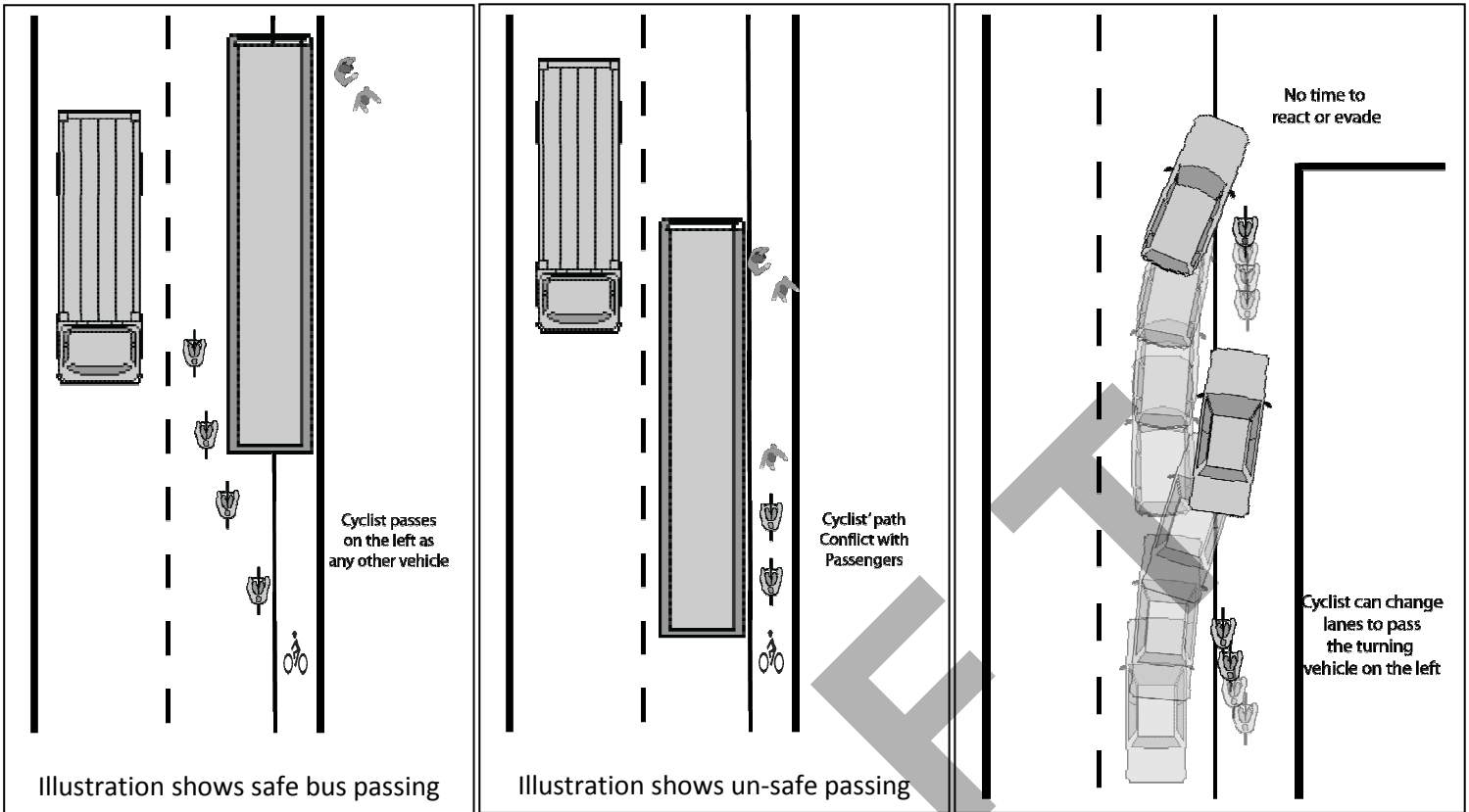
#### 41-6a-801

Adds the definition of a bike lane and its use. Although 41-6a-102 generally has definitions, even the term “lane” is not defined. The definition portion could be placed in either location. The reason for “*preferential use by bicycles*” is that the national standards defines it this way as there are other designs which go beyond a traditional “bike lane” design.

The intent is to allow a motorist to merge into that lane to make their right turn just as they would any other lane to their right before turning. This allows them to merge with any cyclists in the lane and the cyclist to have time to maneuver to the left to past the now slowing motor vehicle. Not allowing the merge invites a “right hook” where the operator of the motor vehicle passes the cyclist the turns in front of them.

This addition also allows recognized transit authorities and schools to briefly stop busses in the bike lane to load/unload passengers. It does not allow them to “stage” there.

One may wonder about other “temporary” parking for car-pools and delivery vans: since roadways are primarily for the movement of traffic, public busses serve a public purpose in that regards by more effectively moving people on the roadways; parking of delivery vehicles does not serve the purpose of the movement of traffic and generally stay longer than a bus for a few seconds loading/unloading passengers; car pool vehicles are much smaller and can easily use existing parking or side-roads to load/unload passengers.



**41-6a-1105(1)**

The current section has its genesis in the general slower moving traffic law 41-6a-701(3)

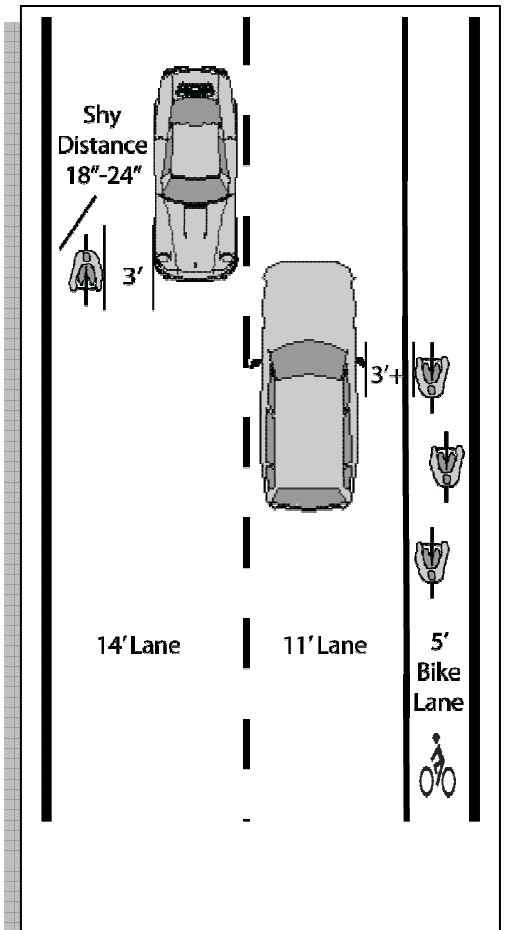
*A person operating a vehicle on a roadway at less than the normal speed of traffic shall operate the vehicle in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway*

The intent of adding section 1105 was to have cyclists "share" the lane. In doing so, the "lane" portion was dropped from 701 and just left in the "ride as near as practicable". Over the years exceptions were added indicating why a cyclist may not be riding all the way over to the edge of the roadway. The last update to this law was nine years ago in 2001. Nine states do not have this restriction.

Note that it says roadway, not highway, so under the definitions of "roadway" that means the area normally use for vehicular travel and does not include the shoulder or parking area.

On today's roadways much has changed, lanes are wider, cars are wider and faster, and cycling is now seen as a legitimate and necessary mode of travel.

The proposed change to section (1) mainly re-words the language to make it easier to understand. Under the current language, many people including cyclists, motorists, law enforcement and judges stop reading at "ride as far right as practicable" and skip over most or all of the exceptions. This is not unique to Utah, in other jurisdictions this be becoming more of an issue as tempers flare over the use of the roadway.



Case-after-case cyclists are wrongly ticketed (sure some scofflaw cyclists probably deserved it) and then further discriminated against by the judicial system in not taking the whole statute into account which is clear by their comments in their decisions.

Re-wording the language as Colorado did last year make is clearer that the current “last” exception is the default lane position. That is when the lane is to narrow to share safely with overtaking vehicles.

The end result for the legal and safe lane position is the same; however wording in this manner makes it clear that the cyclist should “share” the lane only if it safe to do so.

When cyclists ride too far to the right in a narrow lane, it invites motorists to try to squeeze buy, sometimes to closely and sometimes without even slowing down, rather than switching lanes as they should do to safely pass. If the motorist can’t legally and safely pass with at least three feet clearance, it should not matter where the cyclist is in the lane.

The cyclist is in the best position at any given time and place to determine the best and safest place lane position ride, they can more easily see debris, road conditions and other hazards.

The 14’ lane comes from the *AASHTO Guide on Bicycle and Pedestrian Facility Design* and from Texas State’s lane sharing law. Doing the math you arrive at the same number: a motorist needs to give a cyclist at least 3’ clearance (from right mirror to the left arm). On many roadways, the right lane is only 11-12’ wide. The cyclist takes up about 3’ of space and generally rides 2’ from the shoulder/edge. A typical mid-sized car takes up over 6’ including the mirrors. That comes to 14’ (6+3+3+2), more room is needed for large trucks and SUV’s.

The updated version does not require a cyclist to ride in the middle of the lane, they may share lanes narrower than 14’ if they wish and feel it is safe to do so. Likewise there will be many situation where 14’ is not wide enough to safely share, such as avoiding parked cars (and the doors), approaching side traffic, etc.

The law also clarifies that a cyclist may use the left lane (sharing to the left) on a one-way road

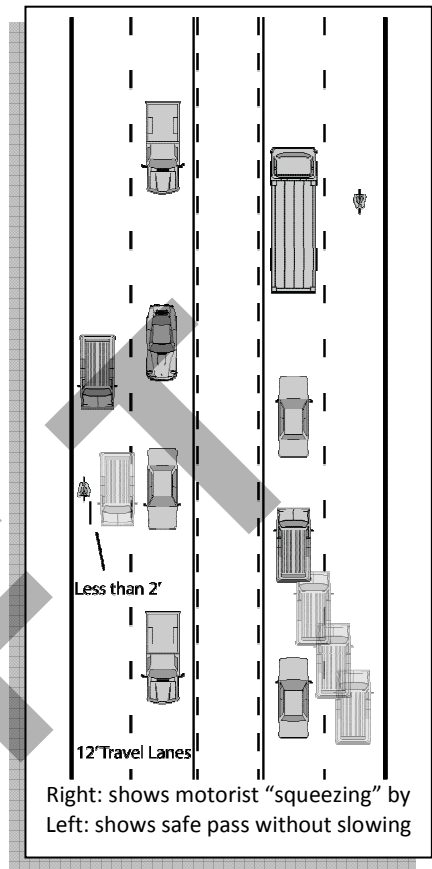
#### 41-6a-1105(3)

Revised by changing “ride” to “operate” to be constant with other sections.

Clarifies that by riding 2 abreast cyclists should not be “unnecessarily” impeding the normal and reasonable flow of traffic as there may be legitimate reasons for doing such. The clarification continues to specify that if the lane is to narrow to share if riding alone, then it should not matter if cyclists are riding two abreast, then defaults to the situations as described in section (1).

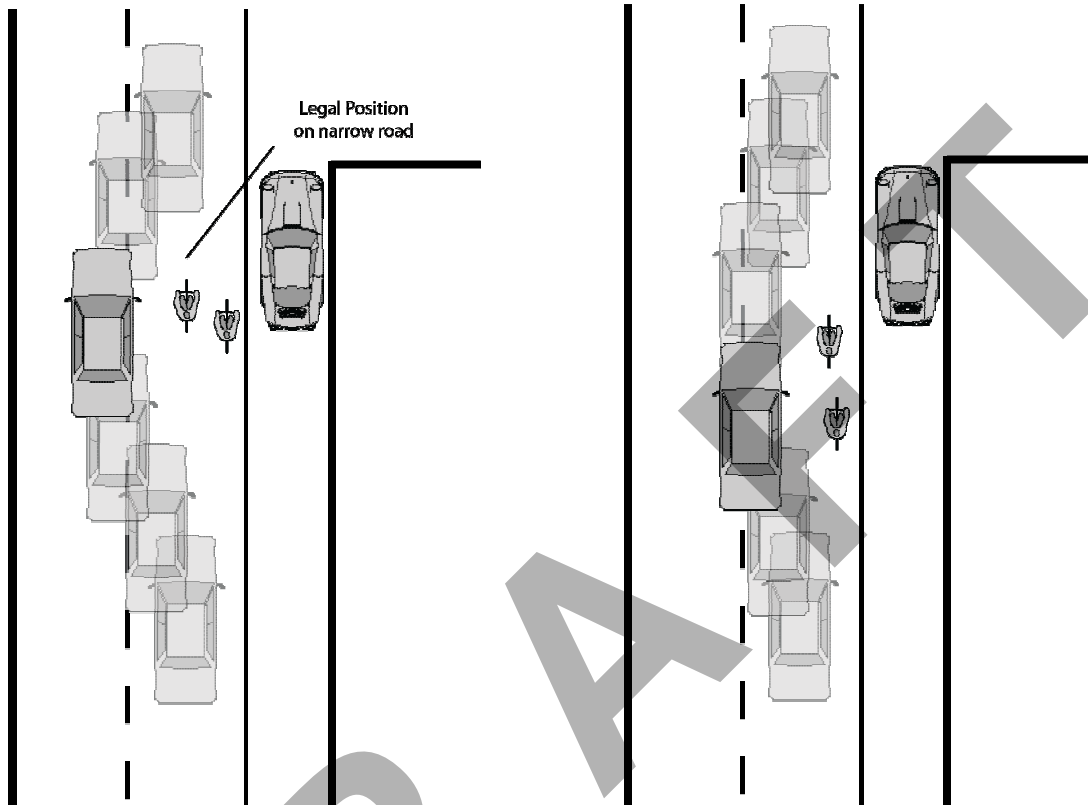
On mountain roads, most cyclists do cooperate when possible with motorists in helping them pass, moving over when there is safe passing distance, etc. Most experienced cyclists upon going around a right-hand bend with limited sight will move further to the center to avoid rocks and give trailing motorists more time to see them as they come around the bend.

There are situations where there are very narrow lanes of 10’ and no shoulder (upper Emigration past the Sun/Moon Café is an example) where there is absolutely no safe way to pass a cyclist where there is on-coming traffic. In these cases riding 2 abreast can actually be a benefit to motorist who have to travel into the on-coming lane as they can get past on cyclist faster than 2 riding single file (5’ vs 15’ of distance to travel, and assuming the left rider is in the same position as they would be riding alone). When 2 riders are taking more of the lane up, a



passing motorist will have to driver further to the left, slightly increasing their total passing time, but this is negated by the fact that they can merge back sooner.

In the urban environment most roadways with significant traffic have two or more lanes in each direction and/or have a center turn lane. In these situations riding two abreast rarely “impedes the normal flow of traffic” as most motorist can signal and change lanes, even in traffic, without having to slow.



Both 2 abreast and single file take about the same time to pass. 2 riders riding single file take up about 15' of travel space where 2 riding abreast only take up about 6', but are sometimes wider. Most of the time, the legal and safe lane position of a single rider on a narrow road can accommodate another rider to the right.

### Typical Vehicle Widths

