

**► SUMMARY**

Check out some of the most common myths and misunderstandings about traffic. Examine reality to increase safety for all road users. As bicycle use increases around the country, it is important for police leaders to understand these realities and train their line staff in them as well.



Photos courtesy of Keri Caffery.

# BICYCLE LAW ENFORCEMENT

## ENFORCE LAWS WITH MUTUAL RESPECT.

> By Kirby Beck

**A**merica's roads were first paved in the late-1800s after extensive lobbying by bicyclists, then known as "wheelmen." Horse-drawn wagons and early motorcars could function on the rutted dirt roads of the era. But cyclists, balanced on their large wheeled penny-farthings, had a difficult time functioning on the uneven surface. At that time, bicycles were often the fastest vehicles on the road.

As motorcar use increased, motorists found equitable, non-motorized use of the street to be a hindrance. While never codified, these perceptions regarding road use gradually came to be understood and accepted:

### Road Use Perceptions

Roads are for motor vehicles: In fact, roads are still for moving people and motor vehicles are but one type of conveyance by which people move. Slow vehicles are unsafe: Most enforcement officers know that speed kills; however, a perception has developed that vehicles that are slower than other traffic create a hazard; in truth, slower is still safer.

The "right" of speed: Many people believe that you can't use the road if you can't keep up. If a heavily loaded truck is unable to accelerate from an intersection or up a hill, most motorists understand and merely tolerate it or pass it when they are able. Yet if the vehicle is a bicycle, intolerance and outrage develops in some drivers. As with all slow-moving vehicles, bikes must use the right lane unless they are preparing for a left turn, but despite common misconceptions, they still have a right to the roadway.

It is safest for bicyclists to stay out of the way: This myth has sadly contributed to the majority of



▲ Some bikes require more space on the roadway.

crashes and near-misses cyclists experience. Hugging the edge of the road is actually dangerous for a number of reasons. Most traffic lanes are too narrow to safely accommodate a motor vehicle and cyclist side by side. Cyclists who keep right so motorists can pass them without changing lanes actually encourage close passes and sideswipes. Cyclists who ride farther left and control the lane report no such problems. Motorists pass them in an adjacent lane. If they have to slow down and wait for an opportunity to pass, that's OK. Empirical evidence shows that any delays motorists experience waiting to pass are usually 30 seconds or less.

Bike lanes make cycling safer. In fact, bike lanes were created because of the myth listed above and the desire for a separate space. Bike lanes force cyclists to ride on the edge, sometimes even in the "door zone" of parked cars, where they might be directly hit or startled into swerving in front of traffic. Channeling bicyclists to the right of other traffic encourages them to be unpredictable—unexpectedly passing slower traffic on the right. When cyclists are forced to ride on the edge of the roadway conflicts arise at intersections and driveways—the most common location of bicycle/motorist crashes. There the cyclist's position conflicts with turning cars—thru cyclists are to the right of right-turning vehicles and are often screened from the view of drivers turning left.

Bicycle paths are safest for cyclists: Since paths fall outside the scope of traffic laws, behavior on them is unregulated, unpredictable and unenforceable. Conflicts and crashes increase at intersections. Unlike roads, paths don't go everywhere people need or want to go.

Cyclists riding in the middle of the traffic lane will impede traffic: Where "impeding" laws exist, nearly all clearly state that only drivers of motor vehicles can illegally impede. In the six states

where the law does not specifically exclude non-motorized vehicles, it provides for the reasonable speed of the vehicle in question, thus accommodating farm tractors, horse carriages and bicycles. Why is it cyclists are being cited for "impeding" when they are actually driving defensively and in a manner reasonable for their vehicle?

### The Law

In every state, bicycles are either defined in statutes as a vehicle or cyclists are given the same rights and responsibilities as other vehicle drivers. They have the right to use most roadways, which means the fog line to the centerline. The term "roadway" does not include the shoulder. In many non-snow states, shoulders may be non-existent or too narrow to be rideable. While most states forbid bicycles on freeways, some western states—with vast open space and fewer roads—allow cyclists to ride the shoulder of controlled access highways. Only New York, Hawaii and Alaska mandate shoulder use if it is safely usable.

Most states require cyclists to ride "as far to the right (FTR) as practicable to the right-hand curb or edge of the roadway." This sentence is often misunderstood. For purposes of the statute language "practicable" means as close to the right edge as is safe and reasonable under existing or probable conditions. It does not mean as close as possible to the right-hand curb or edge of the roadway. Moreover, it is up to each cyclist to decide where he/she believes is safest. After all, the cyclist not only has the least protection, but also is passed with the highest speed differential.

Many statutes list specific reasons why cyclists need to ride farther left within a lane. These include avoiding road hazards, preparing for a left turn, passing another vehicle, or avoiding objects such as parked cars, pedestrians or animals. The most significant reason given is a "substandard width lane" within which a cyclist and motorist cannot pass safely side by side. This last reason is the most misunderstood, largely because it applies to the majority of traffic lanes on today's roadways—making the exception the rule. Anywhere bicyclists choose to ride in such a lane is legal.

More experienced cyclists choose to "control the lane." By using a large portion of the lane, cyclists send a clear message to motorists that they must change lanes to pass when safe and legal to do so. Cyclists legally controlling a narrow lane cannot by definition "impede traffic" even though they are moving substantially slower than surrounding traffic. It is important to remember that a traffic lane is a public utility there for the purpose of moving people, not merely motor vehicles.

### Substandard Width Lanes

It may shock many to learn that a 12-foot-wide lane is considered a "substandard width" for the purpose of this statute. Federal roadway design standards suggest a cyclist needs a minimum of 4



▲ Example of controlling the lane—using the lane like other drivers.

feet of operating space. The typical cyclist is roughly 30 inches, but requires some lateral “wobble” space. Even 4-wheel vehicles don’t track a perfectly straight line. Realistically, many cyclists need 5 feet or more of space to operate safely, due to the type of bike and accessories or cyclist’s inexperience.

All states require safe passing clearance between vehicles of any type. Some require a 3-foot minimum clearance for passing bicyclists. While nearly impossible to enforce unless a cyclist is struck, it does give the motorist a general idea that they need to move over. With the 3-foot minimum, the cyclist’s operating space and the passing space have already accounted for more than half of a 12-foot lane.

Most passenger cars are roughly 6-feet wide, with mirrors adding another foot. As we’d expect a car takes up more than half of a 12-foot lane, too. The problem is many motorists don’t realize how wide their cars are, or how close the right side is to something they are passing. This is why it is safest for a bicyclist to control the lane in a way that sends a clear message that overtaking motorists must pass them in an adjacent lane. This action by the bicyclist prevents crashes.

Today’s traffic includes a high percentage of large vehicles like pickups and SUVs that are even wider than conventional passenger cars. Below is an example of what happens if a truck attempts to pass a cyclist within a 12-foot lane. Would you want that truck to pass you at any speed that close?

### What Laws Should You Enforce?

Traffic laws reflect the rules of safe and predictable movement. These apply to cyclists as they do to motorists. Traffic controls such as stop signs and traffic signals certainly apply. So do destination lanes such as turn-only lanes. Use of headlights, and in many states, taillights, is required at night.

Cyclists are required to travel the same direction as traffic, yet many cyclists are commonly seen riding facing traffic. Due to its unpredictable nature, this is a leading cause of motorist/bicycle crashes. Wrong-way cycling is dangerous and illegal behavior in all 50 states.

The major violations, which cyclist should be stopped and ticketed for are: 1) riding against traffic; 2) failure to yield right of way at stop or yield signs; 3) running red lights; and 4) riding without re-

quired nighttime lighting.

We need to stop cyclists for disobeying traffic controls. Many cyclists ride through red lights because they have no fear of being ticketed. This obvious lawlessness by some cyclists further increases the animosity felt by many motorists. If the police won’t enforce traffic laws for bicyclists, who will? Isn’t that part of the police role in enhancing traffic safety and promoting voluntary compliance with the law?

The major violations by motorists that endanger bicyclists are: 1) failure to yield right of way; 2) unsafe passing; 3) harassment or assault; and 4) inattentive or impaired driving.

By law, cyclists always have the right of first come, first served in the lane that they are occupying. Vehicles can’t legally intrude into their path, or pass them, unless it is safe to do so. Most right-of-way conflicts occur at intersections. There, motorists pull out or make turns across the path of cyclists. Violations also occur when a motorist passes a cyclist just prior to turning right and then turns across the cyclist’s path. This can happen if the cyclist is riding too far right or is in a bike lane, sidewalk or path. These right-of-way violations account for many collisions between motorists and bicyclists. Officers should be watchful to cite these violators and understand them when working crashes.

Seeing and treating cyclists as an expected and respected part of traffic will undoubtedly be a new idea for many police officers and their administrators. Some have even exhibited a bias against cyclists in traffic, which is likely the result of conditioning that cyclists are neither a traditional nor legal part of the traffic mix. Both of those assumptions are historically and legally wrong. While educators have a lot of work to teach cyclists young and old to ride lawfully and responsibly, it is the role of law enforcement to reinforce those lessons with appropriate enforcement and mutual respect.

Kirby Beck is retired after 28 years with the Coon Rapids, Minn. Police. He is a certified IPMBA police cyclist instructor trainer. He is an expert witness in bicycle crash cases. He can be reached at kirby@kbeckconsulting.com.

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