

# What's the legal climate for bicyclists in your state?

EDWARD F. KEARNEY

Many articles and pictures in this magazine have extolled the terrain or climate for bicycling in many parts of this great country. But what is the legal climate for bicycling in the state where you live or where you may some day choose to bicycle? Which states have the best traffic laws for bicyclists and which states have the worst?

This article attempts to answer these questions and then suggests what you should do to improve the legal climate for all bicyclists in the state where you live.

## EVALUATION OF LAWS EXPLAINED

Accompanying this article is a table which evaluates 10 traffic laws that are important to bicyclists should they ever find themselves in a court of law as a result of having received a ticket from a police officer or as a result of suing, or being sued by, another highway user, such as a motorist, a pedestrian, or another bicyclist. These 10 laws are also important because they tell bicyclists how to proceed safely or they tell other drivers how to behave toward bicyclists.

There are 11 columns in the table. Ten columns are devoted to these 10 laws deemed by the author to be important to the legal rights and duties of bicyclists:

- I. A bicycle is defined by law to be a "vehicle" for purposes of state traffic laws.
- II. A bicyclist has the same rights and duties as drivers of other vehicles.
- III. All drivers should avoid striking a person riding a bicycle.
- IV. As a general rule, a bicyclist traveling slower than other traffic should ride near the right edge or curb.
- V. Drivers should yield the right of way

to bicyclists on sidewalks or in crosswalks.

VI. Bicyclists may ride two abreast unless other traffic would be unreasonably impeded.

VII. Occupants of motor vehicles should not open doors in the path of a bicyclist.

VIII. Bicyclists should *not* be required to use a bicycle path.

IX. Bicyclists should have a choice of courses to follow in making a left turn unless a sign dictates a particular course.

X. Bicyclists should not be required to give a turn signal during the time his or her hands must be used to control or operate the bicycle.

Notes following the table contain more information about each of these 10 rules.

Down the left side of the table are the names of the 50 states, the District of Columbia and the Commonwealth of Puerto Rico. The first line, "UVC," is for the *Uniform Vehicle Code*.

Each jurisdiction and the UVC is awarded points, from +10 to -10, based upon its degree of compliance with the ten rules. The total score for each jurisdiction's bicycling rules is shown in the last or 11th column. A perfect score would be 100, a feat which no jurisdiction nor the *Uniform Vehicle Code* achieved.

## OBSERVATIONS

From this table, it appears that the best traffic laws for bicyclists are in Rhode Island because it has a total score of 88. The worst are in Montana, which has a total score of minus seven points!

It is my personal view that any score under 70 indicates an unsatisfactory legal climate for bicyclists: Using this test, only Rhode Island and Minnesota have satisfactory legal climates for bicycling. At the same time, a score of 20 points or more in the first three columns indicates to me that a cyclist in court will have a good chance of fair treatment because the statutes at least will not be working against him or her:

- Alabama — 20 points
- Alaska — 20 points
- Idaho — 30 points
- Louisiana — 20 points
- Maryland — 20 points
- Minnesota — 20 points
- Pennsylvania — 20 points
- Rhode Island — 30 points
- Wisconsin — 20 points

And, most likely, in Virginia and the District of Columbia, 18 points each.

This evaluation leads me to the conclusion that most states have not, as of January 1, 1982, adopted the extensive revisions in the *Uniform Vehicle Code* pertaining to bicycling that were adopted by the National Committee on Uniform Traffic Laws and Ordinances in 1975.

## WHAT NEEDS TO BE DONE

1. The League of American Wheelmen should make improving the legal rights and duties of bicyclists in state traffic laws its top priority during the 1980's.

2. Every bicyclist should sit down right now and contribute as much money as possible to the L.A.W. legislative fund.

3. Each L.A.W. state legislative representative should arrange for the introduction of a bill in his or her state legislature to improve the legal status of bicyclists. That bill should be based on the most recent edition of the *Uniform Vehicle Code*, omitting the rule requiring the use of bike paths. Every legislator should be contacted by bicyclists living in his or her district urging passage of the bill.

4. Every member of the League in any state with a score under 70 should contact his or her representatives in the state legislature requesting amendments in the state traffic laws to bring them into conformity with all 10 rules in the table. As an alternative, immediate changes to bring state laws into conformity with the first three rules and a study ordered by the legislature of the other seven rules would be acceptable. Once the changes have been adopted, make sure your county or city also adopts the changes if you live in a state where cities and counties can have traffic ordinances covering the same subject as one that is also covered by state traffic laws.

5. Consideration should be given to updating this evaluation on an annual basis. Such an updating would enable cyclists to see what has or has not been done by each of the states and, more importantly, what remains to be done. This study is based on state laws adopted before January 1, 1982. These changes are reported in *Traffic Laws Annotated* (1979) and its annual supplements by the National Committee on Uniform Traffic Laws and Ordinances.

6. The League of American Wheelmen should make an appropriate annual award to the state with the best traffic laws for bicycling, the state with the worst laws, and the state with the most improved laws. This award could be delivered to the governor, legislative leaders, the person responsible for the highway safety pro-

*In addition to bicycling to work every day, making bicycle lights, and defending bicyclists charged with violating traffic laws, Edward F. Kearney is executive director of the National Committee on Uniform Traffic Laws and Ordinances. That organization is a nonprofit, voluntary association which is responsible for the Uniform Vehicle Code and Model Traffic Ordinance. This article, however, represents his personal views, and not those of the National Committee, because his evaluation of state traffic laws is from his perspective as a bicyclist and because he disagrees with the rule in the Uniform Vehicle Code requiring bicyclists to use an adjacent bicycle path.*

# Table Evaluating 10 Traffic Laws That Are Important to Bicyclists

	I	II	III	IV	V	VI	VII	VIII	IX	X	Total Points
	Bicycle is a Vehicle	Rights and Duties	Avoid Striking Bicyclist	Position on Roadway	Yield to Bicyclist on Sidewalk, Crosswalk	Riding Two abreast	Opening Car Doors	Does Not Require Use of Bike Path	Special Left Turn Rule	Special Turn Signal Rule	
UVC	10	10	10	10	10	10	10	-10	10	10	80
Alabama	10	10	0	3	5	8	5	-10	0	0	31
Alaska	10	10	0	2	0	10	5	-5	0	0	32
Arizona	-5	10	0	3	0	8	0	-10	0	0	6
Arkansas	-5	10	0	0	0	0	5	10	0	0	20
California	-5	10	0	10	0	0	5	-3	0	0	17
Colorado	-5	8	0	3	0	8	5	-10	0	0	9
Connecticut	-5	8	10	3	7	10	0	10	10	10	63
Delaware	-5	10	0	3	0	-5	5	-10	0	0	-2
Florida	-5	10	0	3	0	8	5	-10	0	0	11
Georgia	10	2	0	3	0	8	5	-10	0	0	18
Hawaii	-5	10	0	10	0	-5	5	-3	0	0	12
Idaho	10	10	10	3	5	8	5	-10	0	0	41
Illinois	-5	10	10	10	7	0	5	-10	10	10	47
Indiana	-5	10	10	0	0	8	0	10	0	0	33
Iowa	-5	2	0	0	0	0	0	10	0	0	7
Kansas	-5	10	0	3	0	8	5	-10	0	0	11
Kentucky	10	0	0	0	0	0	0	10	0	0	20
Louisiana	10	10	0	3	0	8	5	-10	0	0	26
Maine	-5	10	0	3	0	0	5	10	0	0	23
Maryland	10	10	0	6	0	10	5	-3	0	10	48
Massachusetts	10	2	0	0	0	-5	0	10	0	0	17
Michigan	-5	10	0	3	0	8	0	-10	0	0	6
Minnesota	10	10	0	10	7	10	10	10	0	10	77
Mississippi	-5	2	0	0	0	0	0	10	0	0	7
Missouri	-5	10	0	3	0	0	0	-10	0	0	-2
Montana	-10	10	0	3	0	-5	5	-10	0	0	-7
Nebraska	-5	10	0	3	0	-5	5	-10	0	0	-2
Nevada	-5	10	0	3	0	8	0	-10	0	0	6
New Hampshire	-5	10	0	3	0	8	5	-10	0	0	11
New Jersey	-5	10	0	6	0	10	0	-10	0	0	11
New Mexico	-5	10	0	3	0	8	5	-10	0	0	11
New York	-5	10	0	2	0	10	5	-10	0	0	12
North Carolina	10	2	0	0	5	0	0	10	0	0	27
North Dakota	-5	10	0	3	0	8	5	-10	0	0	11
Ohio	10	2	0	3	0	8	0	10	0	0	33
Oklahoma	-5	10	0	3	0	8	5	-10	0	0	11
Oregon	-5	10	0	4	0	8	5	-5	0	0	17
Pennsylvania	10	10	0	4	0	8	10	-10	0	0	32
Rhode Island	10	10	10	3	10	10	5	10	10	10	88
South Carolina	-5	10	10	3	5	8	10	-10	0	0	31
South Dakota	10	0	0	0	0	0	5	10	0	0	25
Tennessee	-5	10	0	3	0	8	0	-10	0	0	6
Texas	-5	10	0	3	0	8	5	10	0	0	31
Utah	-5	2	10	3	10	10	5	-10	10	10	45
Vermont	0	10	0	3	0	8	5	-10	0	0	16
Virginia	8	10	0	10	10	-5	0	-2	10	10	51
Washington	-5	10	0	3	0	8	5	-10	0	0	11
West Virginia	-5	10	0	3	0	8	0	-10	0	0	6
Wisconsin	10	10	0	5	5	-5	0	10	0	0	35
Wyoming	-5	10	0	3	0	8	0	-10	0	0	6
District of Columbia	10	8	0	0	7	10	7	10	0	0	52
Puerto Rico	-5	2	0	3	0	-5	0	10	0	0	5

gram, and the official responsible for the bicycling program in each state. A similar award has recently been made by the Citizens for Safe Drivers to recognize states with the best drunk driving laws, best rules of the road and most improved traffic laws.

**NOTES FOR TABLE**

I. A bicycle is a "vehicle" for purposes of a state's traffic laws. The *Uniform Vehicle Code* defines a "vehicle" as:

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. UVC § 1-184 (Supp. III 1979).

States with a score of 10 either have a similar definition or one that provides a bicycle is a "vehicle" for purposes of rules of the road. States with a score of -5 have laws providing that devices moved by human power are *not* "vehicles." Montana gets -10 points because its laws specifically provide that a bicycle is not a vehicle. This law was adopted in 1979. Virginia gets 8 points because it provides that bicycles are vehicles for purposes of its rules of the road "while operated on a highway." They should also be "vehicles" when operated upon a driveway or parking lot.

It is the author's view that it is extremely important for a bicycle to have the legal status of a "vehicle." Our rules of the road all apply to the "driver of any vehicle." Example: The driver of a *vehicle* turning left must yield the right of way to any *vehicle* approaching from the opposite direction. Whether the bicyclist is the driver turning left or the approaching driver, his or her legal status is more precise and definite when a bicycle is legally regarded as a vehicle.

II. Every state should have a law expressly providing that bicyclists have the same "rights" and the same "duties" as the drivers of other vehicles. UVC § 11-1202 (Supp. III 1979) provides as follows:

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except

as to special regulations in this article and except as to those provisions which by their nature can have no application.

States with a law expressly granting cyclists the same "rights" and the same "duties" are awarded a 10 in this column even though there may be other variances in their laws. If a state merely says that bicyclists are "subject" to traffic laws or that they have duties with no mention of rights, it is awarded a 2.

Colorado is awarded an 8 because bicyclists have rights and duties "only where bicycle travel is permitted." Connecticut and the District of Columbia are each scored 8 because they give cyclists the same rights as "drivers of motor vehicles."

III. State has a law expressly providing that drivers should avoid striking a bicyclist. In the *Uniform Vehicle Code*, this rule is worded as follows:

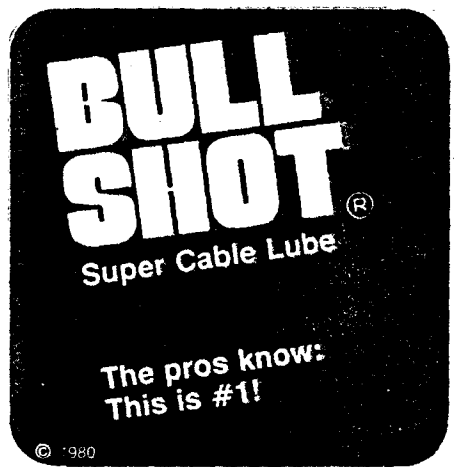
... every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution when observing any child or obviously confused, incapacitated or intoxicated person. UVC § 11-504 (Supp. III 1979).

States with a law requiring all drivers to avoid colliding with a bicyclist or with a person propelling a human powered vehicle are awarded a score of 10. States that do not have such a law are awarded a 0 even though they may have laws which have been construed by the courts in such a way as to protect bicyclists. See UVC § 11-801 (the basic speed rule) and comparable state laws.

IV. State has a special law for bicyclists requiring a position near the right curb or edge of the roadway when the bicyclist is moving more slowly than other traffic and makes appropriate exceptions from this general rule.

Here is the scoring for state laws in this column:

Points	Elements of rule in UVC § 11-1205 (Supp. III 1979)
+2	A person riding a bicycle on a roadway must ride as close as practicable to the right curb or edge of the roadway,



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- +2 When proceeding more slowly than other traffic
- +1 Except when overtaking and passing another vehicle
- +2 Except when preparing for a left turn
- +2 Except when necessary to avoid conditions, such as objects, vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes making it unsafe to be near the right edge or curb
- +1 On a one-way street or highway, a cyclist may ride near the left curb or edge of the roadway.
- +10 Total points

V. Drivers crossing a sidewalk or a crosswalk must yield the right of way to a bicyclist on the sidewalk and to any bicyclist in the crosswalk:

Points	Rule assessed
+5	1. UVC § 11-1209 (c) (Supp. III 1979): Person propelling vehicle by human power on a sidewalk or in a crosswalk has rights and duties of a pedestrian.
+3	2. UVC § 11-509 (Supp. III 1979): Driver of a vehicle must yield to all traffic on a sidewalk.
+2	3. UVC § 11-502 (a) (1968): Driver of a vehicle must yield to a pedestrian in a crosswalk.

+10 Total points

However, if a state does not have Rules 1 and 2, but does have Rule 3, it gets an award of 0.

VI. Bicycles may be ridden two abreast when other traffic is not obstructed. UVC § 11-1205.1 (a) (Supp. III 1979):

Persons riding bicycles upon a roadway shall not ride more than two abreast. ... Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

If a state has the first sentence, but not the second one, +8 points are awarded. If a state requires riding single file (does not allow riding two abreast), the award is -5.

VII. State has a law prohibiting any person from opening a door of a motor vehicle when it would interfere with traffic. UVC § 11-1105 (Supp. II 1979) provides:

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

States with a law applying only to drivers and only on the side available to moving traffic receive 5 points.

VIII. State does not have a law similar to this rule in the *Uniform Vehicle Code*:

Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. § 11-120.5 (Supp. III 1975).

The author of this article opposes this rule, even though it appears in the *Uniform Vehicle Code*, and any state without it or a comparable law receives +10 points. Any state with this law receives -10 points. If a state has a less offensive version of this rule, it receives a negative score less than 10.

IX. State has a law allowing a bicyclist to make a "big left turn." The *Uniform Vehicle Code* gives a bicyclist a choice as to courses to follow in making a left turn. The cyclist may follow the course specified for all drivers (approach the intersection close to the center line and turn to the left of the center point in the intersection, etc.) or he may enter the intersection close to the right curb, proceed across the intersection to the opposite corner, and make his turn there. Naturally, if a sign specifies one of these courses, or any other, the sign must be obeyed. See UVC § 11-1207 (Supp. III 1979).

States providing this choice are given +10 points. States without it are given a zero.

X. Special turn signal rule. The *Uniform Vehicle Code*, § 11-1208 (Supp. III 1979) provides that a cyclist must give a signal of his intention to turn during the last 100 feet traveled before turning but "a signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle."

States with this rule get +10 points. Those without it get a zero.

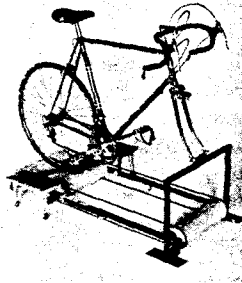
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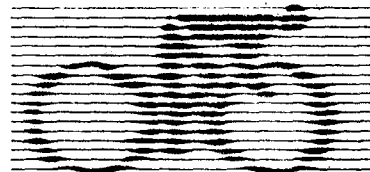
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