

Evolution of Stay-Right Laws

BikeWalk NC

Abstract

This paper provides an overview of the developmental history of stay-right laws for slower traffic in the United States, including generic laws applicable to all vehicles and special laws applicable only to bicycles. Particular attention is focused on the Uniform Vehicle Code (UVC) and the state laws of California and North Carolina. The paper concludes with BikeWalk NC's reasons for recommending that North Carolina preserve its existing generic stay-right law.



A car stuck on an unpaved Johnston County Road in 1909. [Image: State Archives of NC]

The Generic Stay-Right Laws

The generic stay-right laws affecting all vehicles evolved over many decades as roadway surfaces improved, roads were widened, speeds increased, and lane markings became common. Modern traffic laws define the slower-traffic-stay-right rule separately from the drive-on-the-right-half-of-the-road rule, but they originated as a single rule.

In 1926, lane markings were rare, and poor surface conditions at the edge of narrow roads often resulted in drivers traveling down the middle of the road. Such drivers would move over to the right to accommodate opposite-direction traffic or passing traffic (faster drivers would usually honk the horn to alert the slower driver to move to the right half of the road). The 1926 UVC stay-right law combined the right-half and slow-vehicle rules into a single stay-right rule that accommodated operating left of center when surface conditions were poor.

In the 1930 UVC a separate stay-right rule was created for roadways with lane markings. This rule required drivers to use the right hand marked lane except when passing or preparing to turn left. The slower-vehicle stay-right rule for unmarked roadways remained combined with the right-half rule.

In the 1948 UVC, the right-half rule was placed in its own section with detailed exceptions. The slower-traffic-stay-right rules for marked lanes and unmarked roads were consolidated into one section. Where marked travel lanes were provided, slower drivers would use the right hand marked lane; on roads without marked lanes, slower drivers would operate as far right as practicable. North Carolina's current slower-traffic-stay-right rule is virtually identical to this 1948 UVC rule.

UVC 1926 (Combined Right-Half, Stay-Right)¹

Section 10. Drive on Right Side of Highway.

...Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the **right half of the highway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway** and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Sections 13 and 14 of this act.

UVC 1930 (Added Separate Section for Marked Lanes)

Section 26. Drive on Right Side of Highway

(a) Upon all highways of sufficient width other than one way highways except upon oneway streets the driver of a vehicle shall drive the same upon the **right half of the highway [and shall drive a slow moving vehicle as closely as possible to the right hand edge or curb of such highway,] except when the right half is out of repair and for such reason impassable [unless it is impracticable to travel on such side of the highway]** or when overtaking and passing another vehicle subject to the limitations [applicable in overtaking and passing] set forth in Section 30 [Sections 13 and 14].

(b) In driving upon the right half of the highway the driver shall drive as closely as practicable to the right hand edge or curb of the highway except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.

(d) In driving upon a one way highway the driver shall drive as closely as practicable to the right hand edge or curb of the highway except when overtaking or passing or traveling parallel with another vehicle or when placing a vehicle in position to make a left turn.

Section 27 **Special Regulations Applicable on Streets and Highways Laned for Traffic.** Whenever any street or highway has been divided into clearly marked lanes for traffic drivers of vehicles shall obey the following regulations:

(a) A vehicle shall normally be driven **in the lane nearest the right hand edge or curb of the highway when said lane is available for travel** except when overtaking another vehicle or in preparation for a left turn....

UVC 1948 (Separated Right-Half, Combined Stay-Right for Laned/Unlaned)

11-301 Drive on Right Side of Roadway - Exceptions

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the **right half of the roadway** except as follows ...

(b) Upon all roadways any vehicle proceeding at less the normal speed of traffic at the time and place and the conditions then existing shall be driven **in the right lane then available for traffic, or as close as practicable the right hand curb or edge of the roadway,** except overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

¹ Traffic Laws Annotated, NHTSA, 1979, <https://books.google.com/books?id=f3xPAAAAMAAJ&hl=en>

NC § 20-146. (b) (Current - 2015)

§ 20-146. (b) Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

The Bicycle-Specific Stay-Right Rule

Ever since the original 1926 version, the UVC has defined bicyclists as having the rights and duties of drivers of vehicles. NC statute also defines a bicycle as a vehicle. All the normal rules of the road for drivers of vehicles, including the stay-right rules, applied equally to bicyclists until bicycle-specific rules were written to override them.

UVC 1926

“Vehicle.” Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of (Title II of) this act, a bicycle or a ridden animal shall be deemed a vehicle.

NC § 20-4.01(49) (Current - 2015)

§ 20-4.01(49) Vehicle. – ...for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application.

In 1944, a new bicycle-specific rule was introduced into the UVC requiring bicyclists to operate differently from other drivers. It required bicyclists to stay far to the right regardless of lane markings, speed, destination, or traffic conditions. No evidence has been uncovered to suggest that any bicyclist organizations were consulted during the creation of this rule.

UVC 1944 – First Bicycle-Specific Stay-Right Rule

UVC 11-1205 – Riding on roadways and bicycle paths

(a) Any person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

In 1963 the California Highway Patrol sponsored Assembly Bill 1296 to incorporate the bicycle-specific stay-right law into California law. On May 9, 1963 the Office of the Commissioner of the CHP wrote: “This will enable the development of a more effective safety program when the youngsters can see the simple and clear cut rules they are to obey.”² On May 15, 1963 Governor Pat Brown was advised that “The bill (1296) is sponsored by the Department of California Highway Patrol...There is no known opposition to the bill.” However, there is no record of the CHP or legislature contacting adult bicyclist organizations regarding the new rule, nor any record of a study being made of the safety implications of such a rule at that time.

² <https://docs.google.com/document/d/1t8Zpm5iqWpIG2YwhEbswj4z-e6CCOqiFmeCewwSYts/>

This bicycle-specific stay-right rule was never adopted into law by North Carolina, Massachusetts, Pennsylvania, Indiana, Iowa or Arkansas. Other states adopted some version of it. New York's version explicitly describes the intent of the law as preventing bicyclists from slowing motor traffic:

New York § 1262 VAT Title 7 Article 34

§ 1234. Riding on roadways, shoulders, bicycle or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, any bicycle or in-line skate shall be driven either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge.

Opposition to the Bicycle Stay-Right Rule

As states began to enforce the bicycle-specific stay-right rule, experienced adult bicyclists found that it conflicted with safe and efficient bicycling practices. In 1975, the NCUTLO commissioned its Panel on Bicycle Laws to study bicycling issues. The Panel recommended repeal of UVC § 11-1205(a). It wrote³:

5. Position on Roadway

Panel Recommendation: Delete UVC § 11-1205(a) and allow bicyclists to use the roadway under the same conditions as other drivers.

Summary of Deliberations: UVC § 11-1205(a) requires bicyclists to ride as close as practicable to the right hand side of the roadway. This provision is very unpopular with bicyclists for a number of reasons. It treats the bicyclist as a second class road user who does not really have the same rights enjoyed by other drivers but who is tolerated as long as he uses a bare minimum of roadway space at the side of the road. The provision is also frequently misunderstood by bicyclists, motorists, policemen and even, unfortunately, judges. The provision requires the bicyclist to be as close to the side of the road as is practicable, which we all understand to mean possible, safe and reasonable. But many people apparently don't understand the significance of the word practicable, and read the law as requiring a constant position next to the curb. Even where the significance of the word practicable is recognized, the bicyclist is exposed to the danger of policemen and judges who may have a different idea about what is possible, safe and reasonable, and he is exposed to the very real danger of motorists who, because of their misconception of this law, will expect the bicyclist to stay next to the curb and will treat him with hostility if he moves away from that position.

The side of the road is a very dangerous place to ride. The bicyclist is not nearly as visible here as he is out in the center of a lane. Also there is reason to believe that motorists don't respect a bicycle as a vehicle when it is hugging the side of the road. It is at the side of the road where all the dirt, broken glass, wire, hub caps, rusty mufflers, and other road debris collects, and it is hazardous to try to ride through this mess. Storm sewer grates are generally at the side of the road. The roadway is frequently less well maintained in this position. Also, in urban areas there is frequently a dangerous ridge where the roadway pavement meets the gutter, and the bicyclist must try to ride parallel with this ridge without hitting it. A bicyclist riding near the right edge of the roadway is also in substantially greater

³ Report of the Panel on Bicycle Laws: <https://docs.google.com/file/d/0B8yYISlJo3DfbnVRVUhxVExLaDQ/>

danger from vehicles cutting in front of him to turn right than is the bicyclist who rides out in the middle of the right lane.

UVC § 11-301(b) requires all vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing to stay in the right hand lane, or as close as practicable to the right-hand curb or edge of the roadway, except when passing or preparing for a left turn. This law will effectively require bicycles to stay in the right lane (although it will not require them to stay near the right edge of the roadway) when moving slower than other traffic. This is all that is needed.

The NCUTLO did not adopt the recommendation of its Panel on Bicycle Laws. Instead, it later attempted to patch § 11-1205(a) with a series of exceptions to try to address some of the operational issues that bicyclists had with the law. These exceptions are discussed in the next section.

After the NCUTLO went inactive, the NCUTCD took up the task of revising the UVC. In 2013 the NCUTCD Bicycle Technical Committee invited stakeholder feedback on proposed changes to § 11-1205. The California Association of Bicycling Organizations, one of the sponsored solicited for comments, replied as follows:

[W]e believe that removal of § 11-1205(a) is by far the most important change that can be taken to insure that bicyclists have the same rights of the road as other drivers. The deletion of § 11-1205(a) is long overdue, and was first proposed by the NCUTLO Panel on Bicycle Laws in 1975. That report provided a thorough and compelling rationale (with which CABO fully endorses) for the removal of § 11-1205(a) from the UVC.

Patching UVC § 11-1205(a)

Bicyclist organizations and knowledgeable advocates across the country have identified numerous situations where it is unsafe or disadvantageous for bicyclists to ride at the edge of a roadway⁴. In 1974 the California Statewide Bicycle Committee recommended a number of amendments to California's law to provide exceptions to the requirement that bicyclists stay at the road edge. These amendments became law in 1976. In 1979, the NCUTLO folded these amendments into the UVC, and added another exception in 2000. The most recent (2000) UVC section on bicyclists' position on the roadway now reads as follows:

⁴ Reasons for cycling away from road edge include :

- Cycling at prevailing or high speed
- Queuing with other traffic
- Destination positioning/avoiding right hook collisions
- Narrow lanes/deter unsafe passing
- Surface hazards near edge (risk of punctures or falls)
- Door zone hazards
- Improved conspicuity (esp. at junctions) and sight lines
- Increased response time at junctions
- Passing, group rotation
- Communicating with another bicyclist

UVC 2000

11-1205 Position on roadway

(a) Any person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

- 1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.*
- 2. When preparing for a left turn at an intersection or into a private road or driveway.*
- 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.*
- 4. When riding in the right turn only lane.*

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

Exception #3 is essentially a catch-all provision that the authors thought would allow bicyclists to judge for themselves when it is reasonably safe to ride at the roadway edge to facilitate same-lane passing versus occupying the right-hand lane like other traffic. And since most marked travel lanes are only 10-12 feet wide – too narrow for safe passing distance between a bicyclist and the average car or pickup truck – adult bicyclist safety education programs taught cyclists that this exception allowed them to ride near the center of most travel lanes for their own self-preservation.

Continued Enforcement Issues for Bicyclists

Police in states with bicyclists-stay-right laws continued to stop and cite bicyclists for riding away from the right edge of narrow lanes despite the explicit exceptions. Police do not generally receive detailed training on bicycle laws; many police officers in states with a bicycles-stay-right requirement are unaware of the legal exceptions. Like most other members of the public, most police are unaware of the safety benefits of operating a bicycle near the center of a marked lane. As a result, knowledgeable bicyclists who exercise defensive bicycling practices in narrow lanes have had to challenge unfair citations in court. Examples of such citations include recent cases in Florida⁵ and California^{6 7}.

In states that did not adopt a bicycle-specific stay-right law, including North Carolina, citations of bicyclists for failure to stay to the right are practically unheard of. Police in these states who are unfamiliar with the legal and safety issues will occasionally make improper stops of bicyclists, but after talking with the bicyclists and consulting the written law, let the bicyclists continue as they were. (This in fact happened to Study Committee member Steven Goodridge in Cary in 2010.) Exceptions exist in municipalities that have adopted their own local traffic ordinances that conflict with state law. In Chapel Hill, bicyclist Wayne Pein

⁵ Florida Cyclists: Guy Hackett, Ryan Scofield: "Cyclist fights ticket for using full lane, and wins" <http://www.news-press.com/story/news/local/2015/01/28/cyclist-fights-ticket-using-full-lane-wins/22494755/>

⁶ California: David Kramer (6/29/2014), Scott Golper (7/6/2014), Greg Liebert (11/10/2013)

⁷ California: <http://bikinginla.com/2014/07/07/la-sheriffs-deputies-ticket-pch-cyclists-in-clear-violation-of-the-law-lacbc-demands-fair-and-legal-treatment/>

was stopped by CH Police while accelerating downhill in the center of the rightmost lane of a four lane road. The officer was unable to find a state law that Mr. Pein had violated, but did find a local ordinance, §21-42(c), enacted in 1981, that required bicyclists to stay to the right edge of the road, and cited him for that. Mr. Pein challenged the ticket in court, and lost. After the Chapel Hill Town Council received complaints about their local bicycle ordinance being in conflict with state law and best bicycling practices, the Council ultimately repealed the ordinance in 2015.

BikeWalk NC Recommendation on Bicycle-Specific Stay-Right Laws

There are three fundamental problems with bicycle-specific stay-right laws as they have been proposed, enacted, and revised in ways that assign bicyclists inferior rights to marked travel lanes:

1. Most marked lanes are too narrow for same-lane passing to be safe. The rule and its exceptions are presented backwards.
2. If a stay-right law does not make it clear that it is up to the bicyclist's judgement to decide when to operate away from the lane edge, then bicyclists who employ defensive bicycle driving techniques face constant threat of citation or harassment by less knowledgeable police officers who have different opinions of where bicyclists should ride.
3. If a bicycle-specific stay-right law truly allows a bicyclist discretion on where to operate in a marked lane, it is unenforceable and unnecessary.

By comparison, the generic stay-right law addresses all vehicle types and provides equitable treatment for users of marked travel lanes. This raises the question of what, if any, valid motivation exists for a bicycle-specific stay-right law. It is quite rare for bicyclists to use a full lane when the usable width of that lane is truly wide enough for safe same-lane passing and such passing would be advantageous and appropriate under the conditions present. Rather, motorist complaints about bicyclists using a full lane almost always involve narrow lanes where same-lane passing would be unsafe. Bicyclists using a full lane in daylight are rarely involved in car-bike collisions, while most motorist-overtaking collisions involve bicyclists riding at the right edge of narrow lanes. For these reasons, BikeWalk NC opposes enactment of a bicycle-specific stay-right law or modification of the state's existing stay-right law.