

# Safe Passing Principles and Laws

BikeWalk NC

## Abstract

This paper provides an overview of existing passing laws in North Carolina and other states as related to safe passing of bicyclists. Operational, geometric and enforcement issues related to same-lane versus next-lane passing are discussed. Recommendations by BikeWalk NC are presented in the concluding remarks.

## Current North Carolina Passing Laws

Existing state law identifies the conditions required for safe and legal passing based on traffic conditions, road features and sight distances. Passing of vehicles must be done on the left unless in a separate marked lane. Passing within the same marked lane is permitted only when it can be done safely and at no less than two feet of separation under NC law. Drivers who move into the adjacent lane to pass must yield to other drivers in that lane before doing so, and may not move back into the passed drivers' lane until safely clear. When the adjacent lane carries opposite-direction traffic, drivers must not pass where limited sight distance prevents sufficiently early detection of oncoming traffic that may be affected by the pass, or at an intersection. Passing may be prohibited by roadway markings, typically due to insufficient sight distance to safely pass a motor vehicle traveling just below the speed limit.

### **§ 20-146. Drive on right side of highway; exceptions**

*(a) Upon all highways of sufficient width a vehicle shall be driven upon the right half of the highway except as follows:*

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;*
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;*

*[...]*

*(d) Whenever any street has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.*

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.*

### **§ 20-149. Overtaking a vehicle.**

*(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G.S. 20-150.1.*

*(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle while being lawfully overtaken on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.*

*Failure to comply with this subsection:*

*(1) Is a Class 1 misdemeanor when the failure is the proximate cause of a collision resulting in serious bodily injury.*

*(2) Is a Class 2 misdemeanor when the failure is the proximate cause of a collision resulting in bodily injury or property damage.*

*(3) Is, in all other cases, an infraction.*

### **§ 20-150. Limitations on privilege of overtaking and passing.**

*(a) The driver of a vehicle shall not drive to the left side of the center of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.*

*(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.*

*(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any railway grade crossing nor at any intersection of highway unless permitted so to do by a traffic or police officer. For the purposes of this section the words "intersection of highway" shall be defined and limited to intersections designated and marked by the Department of Transportation by appropriate signs, and street intersections in cities and towns.*

*(d) The driver of a vehicle shall not drive to the left side of the centerline of a highway upon the crest of a grade or upon a curve in the highway where such centerline has been placed upon such highway by the Department of Transportation, and is visible.*

*(e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted.*

*(f) The foregoing limitations shall not apply upon a one-way street nor to the driver of a vehicle turning left in or from an alley, private road, or driveway.*

### **§ 20-150.1. When passing on the right is permitted.**

*The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:*

*(1) When the vehicle overtaken is in a lane designated for left turns;*

*(2) Upon a street or highway with unobstructed pavement of sufficient width which have been marked for two or more lanes of moving vehicles in each direction and are not occupied by parked vehicles;*

*(3) Upon a one-way street, or upon a highway on which traffic is restricted to one direction of movement when such street or highway is free from obstructions and is of sufficient width and is marked for two or more lanes of moving vehicles which are not occupied by parked vehicles;*

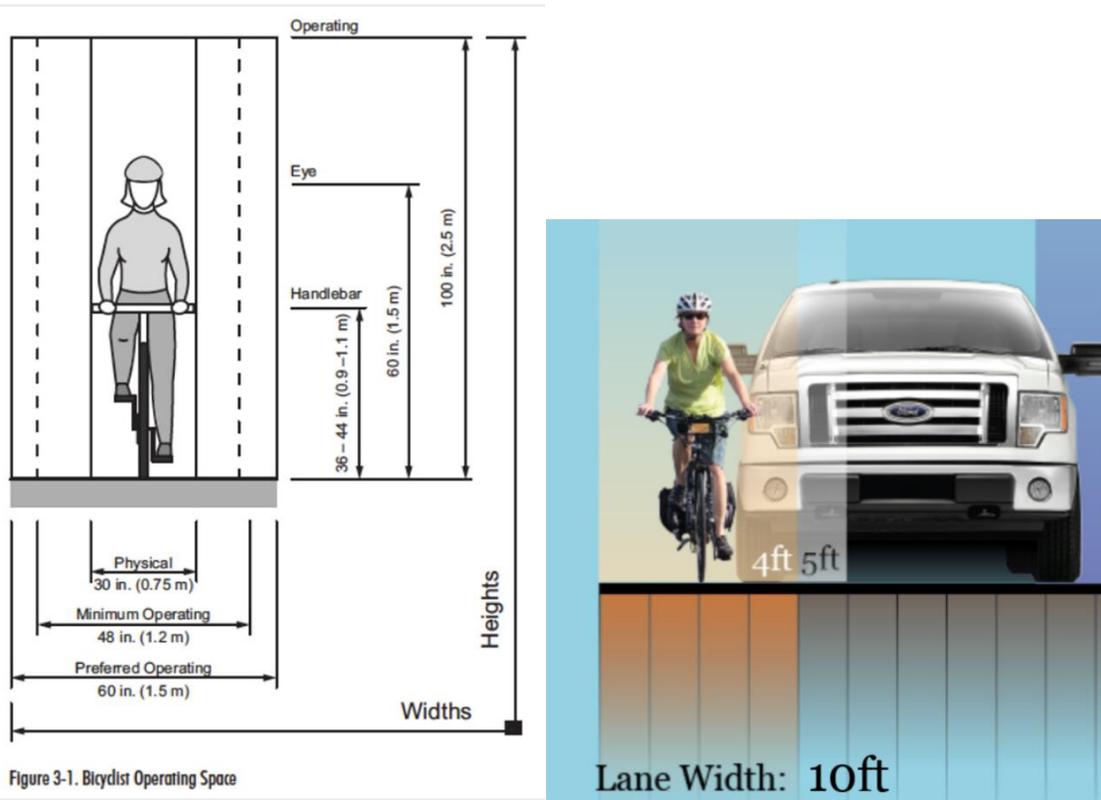
*(4) When driving in a lane designating a right turn on a red traffic signal light. (1953, c. 679.)*

**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.

**Bicyclist Operating Space and Passing Distance**

Bicyclists must move laterally to maintain balance and to avoid surface hazards. They require a significant area of good pavement to both sides of their wheels to facilitate control and recovery. AASHTO defines the minimum operating space for a bicyclist to be 48 inches, and the preferred operating space to be at least 60 inches. Bicyclists can be destabilized by wind blasts from passing vehicles, and are not surrounded by a safety cage. For these reasons, greater minimum passing distance is recommended for passing bicyclists than for passing dual track vehicles. Three feet is commonly described as a minimum safe distance for passing bicyclists, but greater distance is recommended as speeds increase. Scale diagrams of different vehicles, pavement widths and remaining clearance distances for same-lane passing are shown below.



**Left: AASHTO “Bike Guide” illustration of bicyclist operating space. Right: A pickup truck cannot pass an edge-riding bicyclist within the same 10 foot wide travel lane.**



**Above: The minimum pavement width for safe passing of a bicyclist by most cars, SUVs and pickup trucks is 14 feet. The minimum pavement width required for safe passing by a truck, landscaping trailer, or bus is 16 feet. Greater width is required as speeds increase. [Images: see <http://iamtraffic.org/resources/interactive-graphics/> ]**

Some urban streets feature lanes that are 14 feet or wider, sometimes to facilitate passing of parked vehicles or bicycle traffic. The minimum recommended combined width for a general purpose lane and adjacent bicycle lane is 16 feet to accommodate safe passing by wide vehicles such as trucks and buses. However, most important roads feature only general purpose marked travel lanes that are 10 to 12 feet wide. In North Carolina, 74% of car-overtaking-bike collisions occur on two-lane roads. Most of these occur in rural areas, and most involve roads with posted speed limits of 40 mph or greater.<sup>1</sup> BikeWalk NC's investigations of overtaking collisions indicate that most such collisions involve narrow travel lanes where the bicyclist was operating at the right edge of the lane.

<sup>1</sup> [http://www.pedbikeinfo.org/pbcats\\_nc/\\_bikequery.cfm](http://www.pedbikeinfo.org/pbcats_nc/_bikequery.cfm)

## Minimum Passing Distance Requirements in US States

About half of US states define three feet as the minimum lateral clearance distance for legal passing of bicyclists. A summary of state requirements for passing distance appears below.

Minimum Passing Distance	State
Function of Speed (5' at 50 mph)	New Hampshire
4 Feet	Pennsylvania
3 Feet	Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kansas, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, Wyoming
2 Feet	North Carolina, Virginia
"Safe Distance"	Alabama, Alaska, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Texas, Vermont, Washington, West Virginia
"Reasonably Clear"	Kentucky
"Safely without endangering"	Montana

Source: [http://bikeleague.org/sites/default/files/safe\\_passing\\_laws.pdf](http://bikeleague.org/sites/default/files/safe_passing_laws.pdf)

## Solid Centerline/No Passing Zone Exceptions

The minimum operating space and passing distance required for safety means that motor vehicle drivers cannot pass bicyclists safely within most marked travel lanes (10-12 feet wide), and therefore must usually move into the next lane to pass safely. On many two-lane roads, solid centerlines are often marked indicating a prohibition on use of the adjacent lane to pass. Engineering policy for marking solid versus broken centerlines is based on the minimum sight distance required to pass a motor vehicle traveling just below the maximum posted speed limit.<sup>2</sup> The sight distance required to pass a slow moving bicyclist in the next lane is much shorter. For instance, safely passing a motorist traveling at 35 mph on a 45 mph road requires a sight distance 600 feet longer than passing a 15 mph bicyclist on the same road.<sup>3</sup> Most motorists recognize this, and will cross a solid centerline to pass a bicyclist when there is no risk of collision with oncoming traffic.

Practically no motorists will follow a bicyclist for miles at reduced speed (waiting until they reach a broken centerline), but some may be tempted to squeeze by within the bicyclist's lane at unsafe distance, or to pass without yielding to oncoming traffic. Most daytime overtaking car-bike collisions involve failed attempts at same-lane passing in narrow lanes. Many public safety officials, including many police, want to encourage

<sup>2</sup> NCHRP Report 605, Passing Sight Distance Criteria, Transportation Research Board, 2008.

[http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_605.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_605.pdf)

<sup>3</sup> 2. Consider a driver planning a pass on a 45 mph road. Observation of real-world behavior shows that drivers take an average of seven seconds to pass a 15 mph bicyclist (with a speed differential of 10 mph), but an average of ten seconds to pass a 35 mph car. A seven second pass at 25 mph covers about 256 feet worst case (shorter with acceleration). By comparison, a ten second pass at 45 mph covers about 660 feet. An oncoming 45 mph driver travels 462 feet in seven seconds and 660 feet in 10 seconds. Calculation of the required minimum safe passing sight distance in the average bicyclist case includes the total traveled distance of 256+462 = 718 feet, 602 feet shorter than in the average motorist case (660+660=1320).

drivers to pass bicyclists more safely, but may feel hindered from giving useful advice by the solid centerline law<sup>4</sup>.

Police in some states (such as Florida<sup>5</sup>) have turned to the “obstruction” exception as a rationale for allowing motorists to go left of center to pass slow moving bicyclists safely in a no passing zone. In NC the obstruction exception appears in § 20-146(a)(2):

*When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;*

N.C. Highway Patrol 1st Sgt. Brian Gilreath provides the following explanation of how the exception could apply:

“As long as you don’t affect the movement of oncoming traffic — that’s where common sense comes in — you’re allowed to go left of center to avoid hazards and obstructions in the roadways,” Gilreath said. “Take for example if a farmer drops a bale of hay in the roadway, and you need to go around it. Even though you’re left of center, you have not violated the law. [...] An officer would have a hard time convincing a judge that you’re supposed to ride behind a bicyclist for 10-15 miles.... “

- Citizen Times, 8/19/2014 <http://www.citizen-times.com/story/news/local/2014/08/19/answer-man-legally-pass-cyclist/14312653/>

A stationary obstruction such as a fallen tree limb could be found anywhere, including places where there is only enough sight distance for an oncoming driver to stop. If a driver proceeds left of center around an obstruction at *sufficiently slow speed* when no conflicting traffic is visible, oncoming drivers who arrive from beyond view should be able slow or stop in time to avoid collision and allow completion of the maneuver (because all drivers are required to limit their speed so that they can stop within their sight distance). The obstruction exception law does not prohibit the passing driver from requiring oncoming traffic to slow, it only requires that the passing driver not create an immediate hazard. It is the short distance required for passing a stationary obstruction that makes this maneuver safe in most places. But if the obstruction is actually a moving object, this increases the distance and time required to pass as a function of the object’s speed. Drivers tend to be very good at estimating the time and distance required to pass stationary and slow moving vehicles, but less accurate as speeds increase. Grave mistakes made at high speeds are what motivated the installation of the solid centerlines that designate no passing zones.

Many bicyclists, police, and legislators recognize the inadequacy of treating bicyclists as “obstructions” under the law, while also recognizing that solid centerlines are unreasonably restrictive in the context of passing slow moving bicyclists. As a result, states are moving toward relaxing the solid centerline passing prohibition for passing of bicyclists under conditions where such passing is safe. At the time of this writing, eight states (Colorado, Maine, Mississippi, Montana, Ohio, Pennsylvania, Utah and Wisconsin) have provisions in their passing laws to allow crossing a solid centerline to pass a bicyclist when safe, as shown below.

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<sup>4</sup> [http://www.slowlitch.com/Interview/CHP\\_talks\\_to\\_Slowtwitch\\_4723.html](http://www.slowlitch.com/Interview/CHP_talks_to_Slowtwitch_4723.html)

<sup>5</sup> See Florida Bicycle Law Enforcement Guide at [http://www.floridabicycle.org/resources/pdfs/PEGLEG\\_2012.pdf](http://www.floridabicycle.org/resources/pdfs/PEGLEG_2012.pdf)

## **Colorado**

### 42-4-1005. Limitations on overtaking on the left

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this article and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) The department of transportation and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 42-4-1001 (1) (b);

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

## **Maine**

Title 29-A: MOTOR VEHICLES HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF)

Chapter 19: OPERATION HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF)

Subchapter 1: RULES OF THE ROAD HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF)

§2070. Passing another vehicle

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.

[ 1997, c. 653, §11 (AMD) .]

1-A. Passing bicycle or roller skier. An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.

### ***Mississippi***

MS Code § 63-3-1309 (2013)

(1) While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.

(2) A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.

(3) The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any highway or driveway unless the turn can be made with reasonable safety.

### ***Montana***

61-8-326 (2) (a) Except as provided in subsection (b), where official traffic control devices are in place to define a no-passing zone as set forth in subsection (1) an operator of a vehicle may not drive on the left side of the center of the roadway within the no-passing zone or on the left side of a pavement striping designed to mark the no-passing zone throughout its length.

(b) Subsection (2)(a) does not apply to the operator of a faster vehicle passing a bicycle when:

(i) the bicycle is traveling at less than half the posted speed limit;

(ii) the faster vehicle is capable of overtaking and passing the bicycle without exceeding the posted speed limit; and

(iii) there is sufficient clear sight distance to the left side of the center of the roadway to meet the overtaking and passing requirements in 61-8-325.

### ***Ohio***

4511.31. Hazardous zones

(A) The department of transportation may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible, every operator of a vehicle or trackless trolley shall obey the directions of the signs or markings, notwithstanding the distances set out in section 4511.30 of the Revised Code.

(B) Division (A) of this section does not apply when all of the following apply:

(1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of section 4511.29 of the Revised Code, considering the speed of the slower vehicle.

## ***Pennsylvania***

§ 3307. No-passing zones.

(a) Establishment and marking.—The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone.

(b) Compliance by drivers.—Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(b.1) Overtaking pedalcycles.—It is permissible to pass a pedalcycle, if done in accordance with sections 3303(a)(3) (relating to overtaking vehicle on the left) and 3305 (relating to limitations on overtaking on the left).

(c) Application of section.—This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

## ***Utah***

41-6a-708. Signs and markings on roadway — No-passing zones — Exceptions.

(1) (a) A highway authority may designate no-passing zones on any portion of a highway under its jurisdiction if the highway authority determines passing is especially hazardous.

(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 Subsections 41-6a-701(1)(b) and (c); or

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

41-6a-701. Duty to operate vehicle on right side of roadway — Exceptions.

(1) On all roadways of sufficient width, a person operating a vehicle shall operate the vehicle on the right half of the roadway, except:

...

(c) when overtaking and passing a bicycle or moped proceeding in the same direction at a speed less than the reasonable speed of traffic that is present requires operating the vehicle to the left of the center of the roadway subject to the provisions of Subsection (2)

## ***Wisconsin***

346.09 Limitations on overtaking on left or driving on left side of roadway.

(3) (a) Except as provided in par. (b), the operator of a vehicle shall not drive on the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway, provided such signs or lines would be clearly visible to an ordinarily observant person.

(b) The operator of a vehicle may drive on the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, as described in par. (a), to overtake and pass, with care, any vehicle, except an implement of husbandry or agricultural commercial motor vehicle, traveling at a speed less than half of the applicable speed limit at the place of passing.

## **Confusion in California**

Events in California reveal law enforcement problems arising from the lack of an exception to the state's solid centerline passing prohibition. In multiple instances, California Highway Patrol officers have told bicyclists that motorists are not allowed to move left of center to pass bicyclists, and therefore bicyclists have a duty to stay far enough right to allow motorists to pass within the same narrow lane, or else face citation.

One incident was reported in an online cycling forum on October 28, 2014:

“CHP, 3 foot law bicycles

“New california new law requiring 3 feet from car passing cyclist. On a two lane road with double yellow line [no passing], a SUV passed us, and went over double yellow. CHP officer wrote her a ticket [no on coming vehicle on this rural road]. After writing motorist ticket, CHP officer follow us. We pulled over and stopped, and he said he could not legally pass us. This was do to the width of

our lane. He went on to say, we could receive a ticket for "Impeding traffic." Ok, there is the "Law," but to follow to the letter of the law and not to the practical purpose, defeats the intent of law. This law could result in more traffic accidents due to motorist afraid of CHP giving ticket for mildly going over double yellow."

<http://forum.slowlitch.com/forum/Slowtwitch Forums C1/Triathlon Forum F1/CHP%2C 3 foot law bicycles P5310553>

Cycling writer Dan Empfield subsequently discussed this issue with bicycling attorney Bob Mionske in an interview published on the Slowtwitch.com blog:

Dan Empfield: "With the advent of the 3-foot minimum buffer afforded bicyclists by a motorist when passing, a conflict created by the vehicle code can arise, and arose via a citation written in a rural part of San Diego County last week. When the Legislature passed the new 3-foot law there was no corresponding modification of Vehicle Code Section 21460, which restricts motorists from crossing a double yellow. My question: If, on a rural 2-lane road, an officer gives a motorist a citation for part of the vehicle crossing the double yellow in order to grant the cyclist room, assuming there was clearly sufficient room to do so without peril from an oncoming vehicle, what is the likeliest scenario in a courtroom if the motorist decides to contest this citation?"

Bob Mionske: "Technically, it's against the law. However, two previous versions of this legislation explicitly allowed motorists to cross the double yellow line when safe to do so in order to pass a cyclist with at least 3 feet of safe passing distance. The first bill was vetoed by Governor Brown for an unrelated concern. The second bill was vetoed by Governor Brown over concerns that the State would be exposed to liability if a motorist made an unsafe pass across the double yellow line. This expressed concern was not realistic, because the state would only have allowed drivers to cross the double yellow line when it is safe to do so. A similar situation exists when the state allows drivers to make a right turn at a red light – it is only legal when the turn can be made safely. The failure of a driver to make a safe turn doesn't expose the state to liability."

<http://www.slowlitch.com/Interview/Bob Mionske on the 3-foot law 4724.html>

Another incident with CHP was captured on video by bicyclist Ken Adams in July 2015:

"... a CHP SUV passed us dangerously close – probably about 2 feet away. [...] Approximately 13 miles from the previous incident, the same CHP SUV passed us again, this time much more closely. He was no more than 1 – 1.5 feet from us. At that point, the road was straight, there were clear sight lines for at least ½ mile, no oncoming traffic and we were riding single file on the white line."

"The officer continued on for some time, then turned around and returned. We flagged him down and had a conversation with him. [...] During our conversation, the officer claimed that he must drive on the right half of the road and that he "cannot violate a law to follow a law" when asked about California's 3-foot cycling law. He seemed completely unconcerned when I pointed out that he had just needlessly endangered my life. In the course of the rest of my ride and subsequently via social media, I learned that this same officer passed numerous other cyclists dangerously close during this same time period on the same stretch of road."

<http://bikinginla.com/2015/07/13/morning-links-glendora-cyclists-buzzed-by-chp-officer-lattimes-maps-the-most-dangerous-intersection/>

## BikeWalk NC Recommendations on Passing Law

BikeWalk NC recommends that North Carolina's passing law be based on a geometrically sound and physically functional concept of operations for safe passing of bicyclists on existing roads. Given the narrow width of most existing travel lanes, most safe passing maneuvers will require use of space in the adjacent lane. This in turn requires that drivers look for, yield to, and potentially wait for other traffic (and ensure safe sight distance) before passing. Prudent drivers who take these steps before passing bicyclists don't collide with bicyclists or other vehicles. Bikewalk NC recommends that state law be brought into alignment with best practices for passing (via movement into the adjacent lane) by relaxing the solid centerline prohibition on passing, allowing drivers to cross it when safe to pass bicyclists. All of the other legal limitations on the privilege of overtaking and passing would remain in effect. BikeWalk NC believes this first step is essential to allowing police, NCDOT, and other members of the public to participate in meaningful conversations, education activities and enforcement campaigns related to safe passing of bicyclists.

Bikewalk NC does not recommend pursuit of "3 feet" or similar legislation at this time. Bikewalk NC believes that the current legislature will be unfriendly to a bill that places new constraints on motorists in order to benefit bicyclists, and will likely attempt to amend such a bill with new restrictions on bicyclists that will interfere with bicyclists' ability to exercise defensive bicycling techniques and/or reach their destinations, as has happened with legislation in other states (such as in Washington, where in 2011 legislators attempted to prohibit bicyclists' roadway use where a shoulder existed<sup>6</sup>). BikeWalk NC recommends that relaxation of the solid centerline law be followed by comprehensive education and enforcement activities to promote public understanding of bicyclists' roadway rights and best practices for safe passing and bicycle driving.<sup>7</sup>

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<sup>6</sup> <http://www.seattlebikeblog.com/2011/01/14/mutual-responsibility-bill-trades-rights-for-space/>

<sup>7</sup> <http://www.bikewalknc.org/2014/05/safer-passing/>