

NCATA Policy Paper

Subject: Reducing unsafe behavior by motorists passing cyclists; related legislation

Summary: There is concern that motor vehicle drivers often fail to stay at adequate safe distance when passing bicyclists, especially when traveling at high speeds. In response, some states have changed passing laws to require greater passing distance, but such laws are seldom enforced, and police often express skepticism about the legality of crossing a double yellow line to pass bicyclists on narrow roads. Furthermore, experiences in other states indicate that legislative efforts to place greater constraints on motorists' passing maneuvers bring the risk of adding onerous new legal constraints on where bicyclists may ride. NC currently has some of the best bicycling laws in the country in terms of allowing bicyclists full and equal rights to the use of travel lanes. NCATA recommends that the passing law be modified to explicitly allow crossing a double yellow centerline to pass a vehicle traveling at less than half the posted speed limit when all other legal conditions for safe passing are met, and that this legal change be accompanied by an education campaign about safe passing.

Discussion:

NCATA is concerned that motorists often and needlessly pass bicyclists too closely for their speed, that this behavior contributes to crashes, injuries, and fatalities to bicyclists, and that this deters many from bicycling. Although other provisions in state law mandate safe operation, many people believe that the two feet minimum passing distance specified in the statute for all vehicles contributes to close passing and discourages enforcement of safer behavior. Sixteen states have passed laws requiring at least three feet of separation when passing bicyclists. Some states, such as New Hampshire, require additional distance as speeds increase. Other states such as South Carolina require a "safe distance" without quantification. A few states have passed or are considering "vulnerable user" laws, which increase the level of care expected of motorists when operating near pedestrians and cyclists, or increase penalties for causing injuries to them.

Police describe logistical difficulties with enforcing any passing distance law, and express frustration about how to explain legal passing behavior for motorists due to uncertainty about the legality of crossing a double yellow centerline. Most travel lanes in NC are too narrow for drivers to pass a bicyclist in the lane safely without moving into the adjacent lane. As a result, police often avoid discussing or enforcing safe passing maneuvers on narrow rural roads.

Political battles over 3'-for-bicyclists and vulnerable-user legislation in several states indicate risks of significant legal setbacks for NC cyclists. In Washington, for example, a 3' passing law bill was amended to include legal requirements for bicyclists to use paved shoulders and bike lanes wherever they exist, and to stay at the extreme right edge of the travel lane whenever traveling less than the maximum posted speed limit, regardless of traffic conditions. Ironically, close passing happens more often to bicyclists who ride at the right edge than to those who use a full travel lane. Few cyclists believe a 3' law is worth surrendering their existing equal right to normal travel lanes.

Recommended Actions:

- NC should adopt a passing law like Ohio's, which explicitly allows crossing a double yellow centerline to pass a vehicle traveling at less than half the posted speed limit, when all other conditions allow safe and legal passing.
- Coincidental with the change in the passing law, NC should conduct an educational campaign about waiting until a safe passing opportunity exists and changing lanes to pass bicyclists, tractors, and other slow traffic legally.

NCATA Policy Paper

Attachment 1: Recommended change to NC passing law

§ 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; **provided, this subsection shall not apply when the vehicle to be passed is traveling at a sustained speed less than half the posted maximum speed limit.**

(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. (1937, c. 407, s. 112; 1955, c. 862; c. 913, s. 2; 1957, c. 65, s. 11; 1969, c. 13; 1973, c. 507, s. 5; c. 1330, s. 16; 1977, c. 464, s. 34; 1979, c. 472.)

NCATA Policy Paper

Attachment 2: Ohio law regarding passing slow vehicles at double yellow

4511.31 Establishing 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.