



MORGANTOWN TRAFFIC COMMISSION

DATE:
TIME: **6:30 P.M.**
City Council Chambers

Engineering Dept.

389 Spruce Street
Morgantown, WV 26505
304.284.7412

AGENDA

CALL TO ORDER:

ROLL CALL AND INTRODUCTIONS:

Voting Members

| | |
|------------------|---------------|
| Margaret Roberts | Mike Wolfe |
| Paul Steel | Jamie Lewis |
| David McKain | Roy Nutter |
| Chris Gluck | William Wyant |
| Julie Thalman | Wes Nugent |

Non-Voting Members

Damien Davis
1st Sgt. Matt McCabe
Frank Gmeindl
Christiaan Abildso

PUBLIC COMMENTS:

MINUTES: Approval of August minutes

COMMITTEE REPORTS:

BICYCLE BOARD REPORT:

- Monthly report

PEDESTRIAN SAFETY BOARD REPORT:

- Monthly report
- Statewide ped-bike crash data analysis (2000-2006 data)

TRAFFIC CALMING REPORT:

TRUCK TRAFFIC REPORT:

MONTHLY UPDATES (Engineering):

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Erica Vannatta – School bus stop on Willey Street at the crosswalk in front of the Dairy Mart.
2. Review of sidewalk data collected by City interns
3. Truck Traffic Committee (function, purpose, continue vs. dissolve, etc.)

COMMISSION COMMENTS:

ADJOURNMENT:

Traffic Commissioners:

Margaret Roberts, 1st Ward

Paul Steel, 2nd Ward

David McKain, 3rd Ward

Chris Gluck, 4th Ward

Julie Thalman, 5th Ward

Mike Wolfe, 6th Ward

Jamie Lewis, 7th Ward

Roy Nutter, At-large

Wes Nugent, City Council

William Wyant, Planning
Commission

Administration Advisors:

Damien Davis, Engineering

Matt McCabe, Police Dept.

“Draft” Minutes

Traffic Commission Meeting Wednesday, August 1, 2012

Voting Members Present: Margaret Roberts, Paul Steel, David McKain, Chris Gluck, Roy Nutter, William Wyant, Wes Nugent

Non-Voting Members Present: Damien Davis, Sgt. Matt McCabe, Frank Gmeindl

Members Absent: Christiaan Abildso, Julie Thalman, Jamie Lewis, Mike Wolfe

MATTER OF BUSINESS:

Roy Nutter called the Traffic Commission Meeting to Order 6:30pm and held roll call.

PUBLIC COMMENTS: None

MEETING MINUTES: *Margaret Roberts moved to approve February, March, May and June minutes. Paul Steel seconded motion. Motion passed unanimously.*

BICYCLE BOARD:

Frank Gmeindl reviewed the accomplishments and plans for the Bicycle Board. Discussion Ensued. Please see attached report. Frank Gmeindl reminded Traffic Commission that the Bicycle Board still needs a Traffic Commission member on the Bicycle Board. Discussion Ensued. Frank Gmeindl reviewed the reports need for the Greater Morgantown Bicycle Plan. Frank stated what should be in those reports and Enforcement Actions outlined in the GMBP. Frank Gmeindl also requested information regarding what is being done with the GMBP that City Council adopted in May. Roy Nutter suggested inviting the City Manager to answer the questions regarding the GMBP. Discussion Ensued. Roy Nutter is to follow up on the City Manager about the GMBP. Discussion Ensued. *Wes Nugent moved to accept the Bicycle Board Report. Chris Gluck seconded the motion. Motion passed unanimously.*

PEDESTRIAN SAFETY BOARD: None

TRAFFIC CALMING REPORT: Chris Gluck asked Damien Davis about the Traffic Calming on Hoffman Avenue. Damien Davis reported that the work had not started yet.

TRUCK TRAFFIC REPORT:

MONTHLY UPDATES:

UNFINISHED BUSINESS:

Frank Gmeindl gave report on Unicycle research. Please see attached report. Discussion ensued. ***Dave McKain moved to accept the report and take no further action on Unicycle issue. Paul Steel seconded the motion. Motion passed unanimously.***

NEW BUSINESS:

COMMISSION COMMENTS:

William Wyant discussed the MPO and encouraged citizens to attend the public meetings
Frank Gmeindl discussed Phase 5 of the High Street Street-Scape regarding Kirk Street and the Visibility issues that would be caused because of the construction. Damien Davis is to look into solutions for the visibility issue. Frank Gmeindl also discussed the deterioration of Dorsey Avenue caused by the Truck Traffic. Frank Gmeindl stated that the deterioration causes difficulties for Bicyclists to safely travel Dorsey Avenue. Damien Davis said he would send a request to the DOH for repairs to Dorsey Avenue.

Chris Gluck asked if the curb on Killarney and Colonial was painted yet.

Dave McKain reported that a stop sign is missing at the intersection of _____

Wes Nugent reported that the new Mobile Application for Request Partner is working.

ADJOURNMENT: *Wes Nugent moved to adjourn meeting. Dave McKain seconded the motion. Motion passed unanimously. Meeting Adjourned at 8:00pm.*

September 27, 2012
(For October 3, 2012 Traffic Commission meeting)

Bicycle Board Report to Traffic Commission

HIGHLIGHTS

Issues

1. The Traffic Commission must appoint a Traffic Commission member to the Bicycle Board to conform to the Procedural Guidelines dictated to the Bicycle Board by the Traffic Commission.

Accomplishments

1. Delivering WVU PE 172 Cycling Basics (Confident City Cycling) to 10 students.
2. Requested WVDOH to stripe Ice's Ferry Bridge to form bicycle-climbing lane.
3. Commented to Assistant City Engineer on missed opportunity to create bicycle-climbing lane on newly paved and restriped University Av. between Mulberry and Laurel. (This is in the May approved Greater Morgantown Bicycle Plan.)
4. Supported Suncrest Middle School student's proposal presentation to Parent Teacher Group to fund \$300 for installation of a covered bike rack at the school.
5. Provided request for service to City to correct misaligned stop sign at Sixth St. and rail trail.
6. Provided MRTC Director recommendation to develop standard 100-foot sight-line requirements for entrances to the rail trail from businesses and other facilities along the rail trail.
7. Reviewed WV Connecting Communities draft formation white paper and provided recommendations for improvement.
8. Provided preliminary legislative agenda recommendations to WV Connecting Communities leader. Recommendations include:
 - a. Repeal WV 17C-11-5 (a) which requires bicyclists to ride as near to the right side of the roadway as practicable.
 - b. Repeal WV 17C-11-5 (c) which prohibits bicyclists from riding on the roadway whenever a usable path is provided adjacent to the roadway and requires bicyclists to ride on the path.
 - c. Amend WV 17C-7-3 to require motorists to pass bicyclists at a distance not less than 4-feet at a careful and prudent reduced speed.
 - d. Adopt the 2009 Manual of Uniform Traffic Control Devices
9. Reviewed and provided comments and recommendations on Long Range Transportation Plan scenarios and participated in September 26 LRTP review hosted by MMMPO.

Plans for Next Month

1. Deliver PE 172 Cycling Basics (Confident City Cycling) class at WVU.
2. Deliver Confident City Cycling guest lecture to WVU Sustainable Living class Oct. 22.



3. Meet with City Manager and City Engineer Oct. 17 to plan review with City Council of progress on Greater Morgantown Bicycle Plan implementation.
4. Continue to support City in establishing bicycle-climbing lane on Mon Blvd. between Eighth St. and Evansdale Dr.
5. Support City Engineer in getting Bicycle Friendly Community signs erected.
6. Deliver bicycle safety and maintenance guest lecture to Christian scouting program at Pierpont Church Oct. 3.
7. Continue to pursue bicycle-climbing lane on Ice's Ferry Bridge.
8. Pursue EPA grant funding for bicycle share program.
9. Participate in WV Connecting Communities meeting tentatively in Bridgeport.

WV Connecting Communities Legislative Agenda: Proposed Bicycle Legislation Changes

Table of Contents

| | |
|---|----|
| 1. Repeal 17C-11-5 (a) Far to the Right..... | 2 |
| 2. Repeal 17C-11-5 (c) Mandatory Side Path..... | 3 |
| 3. Amend 17C-7-3 to Add 4-Foot Passing Requirement | 4 |
| 4. Adopt 2009 MUTCD | 5 |
| References..... | 6 |
| 1. Repeal Far to the Right | 6 |
| 2. Repeal Mandatory Side Path..... | 24 |
| 3. Amend 17C-7-3 to Create 4-Foot Passing Requirement | 28 |

1. Repeal 17C-11-5 (a) Far to the Right

Repeal §17C-11-5. Riding on roadways and bicycle paths part (a).

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

Rationale

17C-11-5 (a) makes it impossible for bicyclists to safely operate their bicycles as drivers of vehicles. Particularly, 17C-11-5 (a) makes it impossible for bicyclists to safely

- Make left turns;
- Avoid crashes due to objects; debris; pedestrians; animals; surface hazards on the far right side of the road;
- Avoid being run off the road by motor vehicles passing too closely when the road is too narrow to be safely passed, especially in the presence of on-coming traffic or insufficient sight distance.

2. Repeal 17C-11-5 (c) Mandatory Side Path

Repeal:

§17C-11-5. Riding on roadways and bicycle paths part (c).

~~(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

Rationale

“Usable” may be unsafe. 17C-11-5 (c) prohibits the bicyclist from using the roadway if it is a safer alternative to the path. 17C-11-5 (c) may jeopardize bicyclists, particularly at intersections between the path and roadways and driveways.

3. Amend 17C-7-3 to Add 4-Foot Passing Requirement

Add to 17C-7-3 (a) (1):

The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left thereof at a distance of not less than 4-feet at a careful and prudent reduced speed and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

Amended 17C-7-3:

§17C-7-3. Overtaking and passing vehicle proceeding in same direction -- Passing on the left generally; penalty.

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules hereinafter stated.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. **The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left thereof at a distance of not less than 4-feet at a careful and prudent reduced speed and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.**

(2) 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 on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(b) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars; and upon a third or subsequent conviction, shall be fined not more than five hundred dollars.

Rationale

The 4-foot passing requirement creates an easily visualized distance for police to enforce and for motorists to employ when passing bicyclists.

4. Adopt 2009 MUTCD

Adopt the 2009 version of the Manual of Uniform Traffic Control Devices.

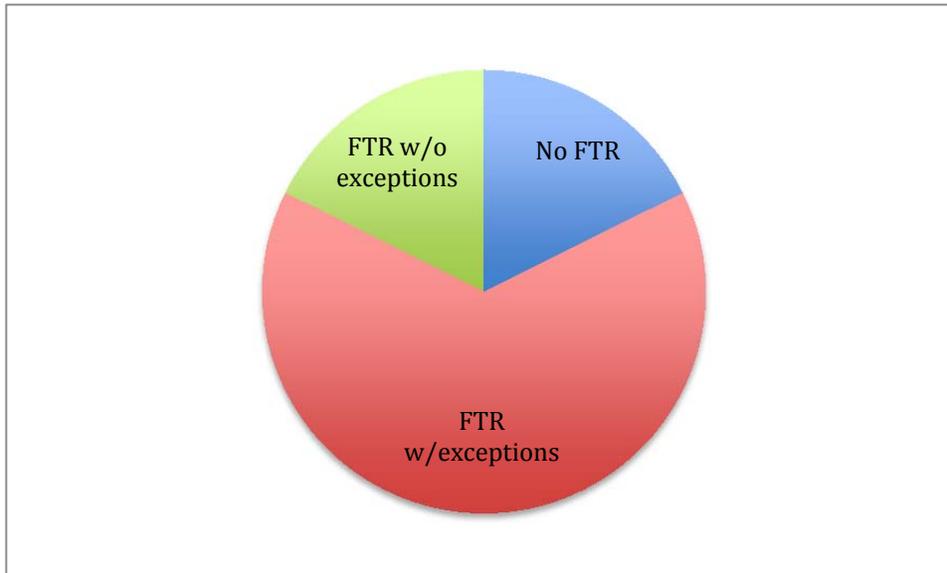
Rationale

The WVDOT is using the 2003 MUTCD. The 2009 MUTCD includes new traffic control devices and improved guidance not included in the 2003 MUTCD.

References

1. Repeal Far to the Right ¹

- 8 states and the District of Columbia have repealed or have not had far to the right laws
- 33 states have far to the right laws but include exceptions that define situations in which a bicyclist is not required to ride far to the right
- 9 states *including West Virginia* have far to the right laws without exceptions.



The following states have either repealed or have not had a law requiring bicyclists to ride as far to the right as practicable.

1. District of Columbia
2. Arkansas
3. Indiana
4. Iowa
5. Massachusetts
6. Mississippi
7. New Hampshire
8. North Carolina
9. Pennsylvania

Following are states have far to the right laws. The following table lists the names of the states and their respective far to the right laws. The words in the law that

¹ The data in this section was copied from a spreadsheet developed by Dan Gutierrez in 2009.

describe exceptions to the requirement to ride far to the right are indicated in ***bold italic font***.

| State | Far to the right law |
|-------------------|--|
| 1. Alabama | Section 32-5A-263 Riding on roadways and bicycle paths. (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction.</i> ² <i>(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.</i> ³ |
| 2. Alaska | 13 AAC 02.400. RIDING BICYCLES ON ROADWAYS AND BICYCLE PATHS. (a) A person operating a bicycle upon a roadway shall ride as near to the right as practicable and shall give way to the right as far as practicable to a motor vehicle proceeding in the same direction when the driver of the motor vehicle gives audible signal. <i>(b) Persons riding bicycles on a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding bicycles two abreast may not impede traffic and, in laned roadway, shall ride within the farthest right lane.</i> [Note: (e) Repealed 6/28/79 (Mandatory side path rule.)] |
| 3. Arizona | 28-815. Riding on roadway and bicycle path; bicycle path usage A. A person riding a bicycle on 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, <i>except under any of the following situations:</i> <i>1. If overtaking and passing another bicycle or vehicle proceeding in the same direction.</i> <i>2. If preparing for a left turn at an intersection or into a private road or driveway.</i> <i>3. If reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards.</i> |

² For a bicyclist to pass a standing vehicle or one proceeding in the same direction, the bicyclist must move left so this is an exception to riding far to the right.

³ Permitting bicyclists to ride two abreast can be seen as an exception to the requirement to ride far to the right because the left bicyclist of two bicyclists riding abreast is not riding as far to the right as practicable.

State

Far to the right law

4. If the lane in which the person is operating the bicycle is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

4. California

CVC 21202 – Far to Right law

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time 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, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. 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 approaching a place where a right turn is authorized.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of that roadway as practicable.

5. Colorado

42-4-1412 Operation of bicycles and other human-powered vehicles.

(5) Any person riding a bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding is present, persons operating bicycles shall ride on the paved shoulder. ***These provisions shall apply, except under any of the following situations:***

(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) When preparing for a left turn at an intersection or into a private road or driveway;

(c) When reasonably necessary to avoid hazardous

State

Far to the right law

conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards.

- 6. Connecticut** Sec. 14-286b. Operation of bicycles.
(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, ***except when:***
(1) making a left turn pursuant to subsection (b) of section 14-241,
(2) overtaking and passing another vehicle proceeding in the same direction,
(3) overtaking and passing pedestrians, parked vehicles, animals or obstructions on the right side of the highway, and,
(4) when the right side of the highway is closed to traffic while under construction or repair.
- 7. Delaware** § 4196. Position on roadway.
(a) Any person operating a bicycle 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 edge of the roadway ***except under any of the following circumstances:***
(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; or
(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 edge of roadway. 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.
(b) Any person operating a bicycle upon a 1-way highway with 2 or more marked traffic lanes and a posted speed limit of less than 30 miles per hour may ride as near the left-hand edge of such roadway as practicable.

| State | Far to the right law |
|------------|--|
| 8. Florida | <p>316.2065 Bicycle regulations.</p> <p>(5)(a) Any person operating a bicycle 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 <i>except under any of the following situations:</i></p> <ol style="list-style-type: none"> <i>1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.</i> <i>2. When preparing for a left turn at an intersection or into a private road or driveway.</i> <i>3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.</i> <p><i>(b) Any person operating a bicycle 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.</i></p> |
| 9. Georgia | <p>40-6-294.</p> <p>(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>except</i></p> <ul style="list-style-type: none"> <i>- when turning left or avoiding hazards to safe cycling,</i> <i>- when the lane is too narrow to share safely with a motor vehicle,</i> <i>- when traveling at the same speed as traffic, or</i> <i>- while exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that every person operating a bicycle away from the right side of the roadway shall exercise reasonable care and shall give due consideration to the other applicable rules of the road.</i> <p><i>As used in this subsection, the term "hazards to safe cycling" includes, but is not limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.</i></p> <p>(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.</p> |

| State | Far to the right law |
|--------------|--|
| 10. Hawaii | <p>291C-145: Riding on roadways and bikeways.</p> <p>(a) Every person operating a bicycle upon a roadway at a speed less than normal speed of traffic moving in the same direction at such time shall ride:</p> <ul style="list-style-type: none"> - as near to the right-hand curb, - on the edge of the roadway, or - the shoulder off the roadway <p>as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction.</i></p> |
| 11. Idaho | <p>49-717. POSITION ON HIGHWAY.</p> <p>(1) Any person operating a bicycle 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 <i>except under any of the following situations:</i></p> <ul style="list-style-type: none"> <i>(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction.</i> <i>(b) When preparing for a left turn at an intersection or into a private road or driveway.</i> <i>(c) When reasonably necessary to avoid conditions including 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.</i> <p><i>(2) Any person operating a bicycle upon a one-way roadway with two (2) or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable*.</i></p> |
| 12. Illinois | <p>Sec. 11 1505. Position of bicycles and motorized pedal cycles on roadways. Riding on roadways and bicycle paths.</p> <p>(a) Any person operating a bicycle or motorized pedal cycle 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 and safe to the right hand curb or edge of the roadway <i>except under the following situations:</i></p> <ul style="list-style-type: none"> <i>1. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction; or</i> <i>2. When preparing for a left turn at an intersection or into a private road or driveway; or</i> <i>3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right hand curb or edge.</i> <p><i>For purposes of this subsection, a "substandard width lane"</i></p> |

State

Far to the right law

means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane.

4. When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle or motorized pedal cycle 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.

13. Kansas

8-1590. Riding on bicycles or mopeds; riding on roadways and bicycle paths.

(a) Every 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 near to the right side of the roadway as practicable, ***except under any of the following situations when:***

(1) overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) preparing for a left turn at an intersection or into a private road or driveway; or

(3) reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.

(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 to the left side of the roadway as practicable.

...(e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

14. Kentucky

189.300 Vehicles to keep to right.

(1) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions for a sufficient distance ahead to permit the overtaking and passing of another vehicle to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle being overtaken. The overtaking vehicle shall return to the proper traffic lane as soon as practicable and, if the passing vehicle enters the oncoming traffic lane, before coming within two hundred (200) feet of any approaching vehicle.

(2) The operator of any vehicle moving slowly upon a highway shall keep his vehicle as closely as practicable to the right-hand

State

Far to the right law

boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

- 15.Louisiana** RS 32:197 Riding on Roadways and Bicycle Paths.
Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, ***exercising due care when passing a standing vehicle or one proceeding in the same direction.***
- 16.Maine** §2063. Bicycles, toy vehicles and scooters
...2. Riding to the right. A person operating a bicycle or scooter shall ride it as far as practicable to the right side of the way, ***except when making a left turn.*** This subsection does not apply in a municipality that, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, makes other provisions for the location of bicycle or scooter traffic.
- 17.Maryland** § 21-1205. Riding on roadways or on highway.
(a) Riding to right side of roadway.- Each person operating a bicycle or a motor scooter at a speed less than the speed of traffic at the time and place and under the conditions then existing on a roadway shall ride as near to the right side of the roadway as practicable and safe, ***except when:***
(1) Making or attempting to make a left turn;
(2) Operating on a one-way street;
(3) Passing a stopped or slower moving vehicle;
(4) Avoiding pedestrians or road hazards;
(5) The right lane is a right turn only lane; or
(6) Operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.
(d) Walking bicycles on right side of highway.- Each person operating a bicycle or a motor scooter on a roadway may walk the bicycle or motor scooter on the right side of a highway if there is no sidewalk.
- 18.Michigan** 257.660a Operation of bicycle upon highway or street; riding close to right-hand curb or edge of roadway; exceptions.
Sec. 660a. A person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway ***except as follows:***

State

Far to the right law

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing to turn left.

(c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle.

(d) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.

(e) When operating a bicycle upon a 1-way highway or street that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable.

19. Minnesota

169.222 OPERATION OF BICYCLE.

Subd. 4. Riding on roadway or shoulder.

(a) Every person operating a bicycle upon a roadway 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 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 fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge.

20. Missouri

307.190. Riding To Right, Required For Bicycles And Motorized Bicycles

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, ***exercising due care when passing a standing vehicle or one proceeding in the same direction, except***

- when making a left turn,

- when avoiding hazardous conditions,

- when the lane is too narrow to share with another vehicle or

- when on a one-way street.

| State | Far to the right law |
|--------------------|---|
| 21.Montana | <p>61-8-605: Riding on roadways: A person operating a bicycle upon a roadway at less than the normal speed of traffic shall ride as near to the right side of the roadway as practicable <i>except when:</i> - <i>overtaking and passing another vehicle;</i> - <i>preparing for a left turn;</i> - <i>or when necessary to avoid a condition that makes it unsafe to continue on the right side of the roadway.</i> <i>A person operating a bicycle on a one-way highway with two or more marked lanes may ride as close to the left side of the roadway as practicable.</i></p> |
| 22.Nebraska | <p>Section 60-6,317 Bicycles on roadways and bicycle paths; general rules; regulation by local authority. (1) Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable <i>except when:</i> <i>(a) Overtaking and passing another bicycle or vehicle proceeding in the same direction;</i> <i>(b) Preparing for a left turn onto a private road or driveway or at an intersection;</i> <i>(c) Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;</i> <i>(d) Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or</i> <i>(e) Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system as provided in section 60-6,142.</i></p> |
| 23.Nevada | <p>NRS 484.509 Operating bicycle on roadway. 1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction, except:</i> <i>(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;</i> <i>(b) When preparing to turn left; or</i> <i>(c) When doing so would not be safe, ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.</i></p> |

| State | Far to the right law |
|---------------------|---|
| 24. New Jersey | <p>39:4-14.2, 39:4-10.11 Operating Regulations.</p> <p>Every person riding a bicycle on a roadway shall ride as near to the right roadside as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. <i>A bicyclist may move left under any of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1) To make a left turn from a left turn lane or pocket;</i> <i>2) To avoid debris, drains, or other hazardous conditions on the right;</i> <i>3) To pass a slower moving vehicle;</i> <i>4) To occupy any available lane when traveling at the same speed as other traffic;</i> <i>5) To travel no more than two abreast when traffic is not impeded, but otherwise ride in single file. Every person riding a bicycle should ride in the same direction as vehicular traffic.</i> |
| 25. New Mexico | <p>66-3-705. Riding on roadways and bicycle paths.</p> <p>A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction.</i></p> |
| 26. New York | <p>§ 1234. Riding on roadways, shoulders, bicycle or in-line skate lanes and bicycle or in-line skate paths.</p> <p>(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 <i>except:</i></p> <ul style="list-style-type: none"> <i>- when preparing for a left turn or</i> <i>- when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to,</i> <i>- fixed or moving objects,</i> <i>- vehicles, bicycles, in-line skates, pedestrians, animals,</i> <i>- surface hazards or</i> <i>- traffic lanes too narrow for a bicycle or person on in-line skates and a vehicle to travel safely side-by-side within the lane.</i> |
| 27. North Dakota | <p>39-10.1-05. Riding on roadway and bicycle path.</p> <p>1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction.</i></p> |

State

Far to the right law

2. Persons riding bicycles upon a roadway may not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

28. Ohio

4511.55 Operating bicycles and motorcycles on roadway.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and ***exercising due care when passing a standing vehicle or one proceeding in the same direction.***

(C) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

29. Oklahoma

§47-11-1205.

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

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

30. Oregon

814.430 Improper use of lanes; exceptions; penalty.

(1) A person commits the offense of improper use of lanes by a bicycle if the person is operating a bicycle on a roadway at less than the normal speed of traffic using the roadway at that time and place under the existing conditions and the person does not ride as close as practicable to the right curb or edge of the roadway.

(2) A person is not in violation of the offense under this section if the person is not operating a bicycle as close as practicable to the right curb or edge of the roadway under any of the following circumstances:

(a) When overtaking and passing another bicycle or vehicle that is proceeding in the same direction.

(b) When preparing to execute a left turn.

(c) When reasonably necessary to avoid hazardous conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or other conditions that make continued operation

State

Far to the right law

along the right curb or edge unsafe or to avoid unsafe operation in a lane on the roadway that is too narrow for a bicycle and vehicle to travel safely side by side. Nothing in this paragraph excuses the operator of a bicycle from the requirements under ORS 811.425 or from the penalties for failure to comply with those requirements.

(d) When operating within a city as near as practicable to the left curb or edge of a roadway that is designated to allow traffic to move in only one direction along the roadway. A bicycle that is operated under this paragraph is subject to the same requirements and exceptions when operating along the left curb or edge as are applicable when a bicycle is operating along the right curb or edge of the roadway.

(e) When operating a bicycle alongside not more than one other bicycle as long as the bicycles are both being operated within a single lane and in a manner that does not impede the normal and reasonable movement of traffic.

31. Rhode Island

§ 31-19-6 Bicycles to right of road. - Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, ***exercising due care when passing a standing vehicle or one proceeding in the same direction except where official traffic control devices (signs or pavement markings) specifically direct bicyclists to do otherwise.***

32. South Carolina

SECTION 56-5-3430. Riding on roadways and bicycle paths. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, ***exercising due care when passing a standing vehicle or one proceeding in the same direction.*** Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles...

33. South Dakota

32-20B-5. Operation on roadway--Riding close to right-hand curb required--Violation as misdemeanor. Any person operating a bicycle 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. ***However, a person operating a bicycle may move from the right-hand curb or edge of the roadway***
- to overtake and pass another bicycle or vehicle proceeding in the same direction,
- to prepare for a left turn at an intersection or into a private road or roadway or
- to avoid conditions including, but not limited to, fixed or

State

Far to the right law

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 vehicle to travel safely side by side within the lane.

34. Tennessee

55-8-175. Riding on roadways and bicycle paths - Penalty.

(a) (1) Any person operating a bicycle 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:***

(A) When overtaking and passing another vehicle proceeding in the same direction;

(B) When preparing for a left turn at an intersection or into a private road or driveway; or

(C) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, 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, "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

35. Texas

Sec. 551.103. Operation on Roadway.

(a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, ***unless:***

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway; or

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway.

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely

travel side by side.

(b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

36.Utah

41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.

(1) A person operating a bicycle or a moped on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right-hand edge of the roadway ***except when:***

(a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

(b) preparing to make a left turn at an intersection or into a private road or driveway;

(c) traveling straight through an intersection that has a right-turn only lane that is in conflict with the straight through movement; or

(d) reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand edge of the roadway including:

(i) fixed or moving objects;

(ii) parked or moving vehicles;

(iii) bicycles;

(iv) pedestrians;

(v) animals;

(vi) surface hazards; or

(vii) a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(2) A person operating a bicycle or moped on a highway shall operate in the designated direction of traffic.

(3) (a) A person riding a bicycle or moped on a roadway may not ride more than two abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) If allowed under Subsection (3)(a), a person riding two abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.

| State | Far to the right law |
|---------------------|---|
| 37. Vermont | <p>23 VSA § 1139. Riding on roadways and bicycle paths.</p> <p>(a) A person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, <i>exercising due care when passing a standing vehicle or one proceeding in the same direction.</i></p> <p><i>(b) Persons riding bicycles upon a roadway may not ride more than two abreast</i> except on paths or parts of roadways set aside for the exclusive use of bicycles or except as otherwise permitted by the commissioner of public safety in connection with a public sporting event in which case the commissioner shall be authorized to adopt such rules as the public good requires. 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.</p> |
| 38. Virginia | <p>§ 46.2-905. Riding bicycles, electric personal assistive mobility devices, electric power assisted bicycles, and mopeds on roadways and bicycle paths.</p> <p>Any person operating a bicycle, electric personal assistive mobility device, electric power assisted bicycle, or moped on a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the roadway, <i>except under any of the following circumstances:</i></p> <ol style="list-style-type: none"> <i>1. When overtaking and passing another vehicle proceeding in the same direction;</i> <i>2. When preparing for a left turn at an intersection or into a private road or driveway;</i> <i>3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;</i> <i>4. When avoiding riding in a lane that must turn or diverge to the right; and</i> <i>5. When riding upon a one-way road or highway, a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.</i> <p><i>For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped and another vehicle to pass safely side by side within the lane.</i></p> |

| State | Far to the right law |
|-------------------|--|
| 39. Washington | <p>RCW 46.61.770 Riding on roadways and bicycle paths.</p> <p>(1) Every person operating a bicycle upon a roadway at a rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe <i>except as may be appropriate</i></p> <p><i>- while preparing to make or while making turning movements, or</i></p> <p><i>- while overtaking and passing another bicycle or vehicle proceeding in the same direction.</i></p> <p><i>A person operating a bicycle upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe.</i></p> |
| 40. West Virginia | <p>§17C-11-5. Riding on roadways and bicycle paths.</p> <p>(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.</p> <p>(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.</p> |
| 41. Wisconsin | <p>346.80 Riding bicycle or electric personal assistive mobility device on roadway.</p> <p><i>(1) In this section, "substandard width lane" means a lane that is too narrow for a bicycle or electric personal assistive mobility device and a motor vehicle to travel safely side by side within the lane.</i></p> <p>(2)(a) Any person operating a bicycle or electric personal assistive mobility device 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 edge or curb of the unobstructed traveled roadway, including operators who are riding 2 or more abreast where permitted under sub. (3), <i>except:</i></p> <p><i>1. When overtaking and passing another vehicle proceeding in the same direction.</i></p> <p><i>2. When preparing for a left turn at an intersection or into a private road or driveway.</i></p> <p><i>3. When reasonably necessary to avoid unsafe conditions, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards or substandard width lanes that make it unsafe to ride along the right-hand edge or curb.</i></p> |

State

Far to the right law

(2)(b) Notwithstanding par. (a), any person operating a bicycle or electric personal assistive mobility device upon a one-way highway having 2 or more lanes available for traffic may ride as near the left-hand edge or curb of the roadway as practicable.

42. Wyoming

31-5-704. Riding on roadways and designated paths.

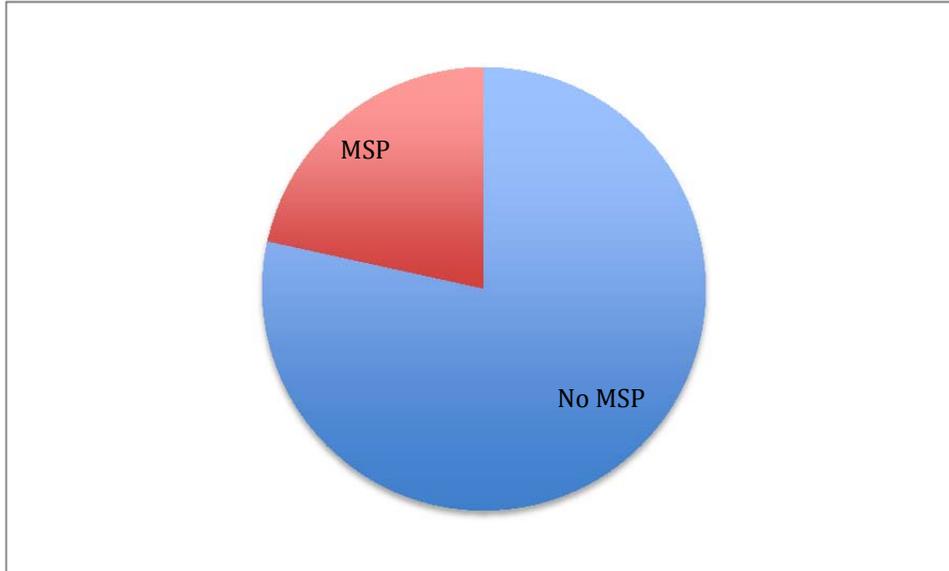
(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable *exercising due care when passing a standing vehicle or one proceeding in the same direction.*

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

2. Repeal Mandatory Side Path⁴

Most states have either repealed their mandatory side path laws or have never had them.

- 39 states and the District of Columbia do not have a mandatory side path law
- 11 states *including West Virginia* have a mandatory side path law.



The following states have either repealed or have not had a law requiring bicyclists to ride on a side path and not to ride on the roadway when a usable path exists adjacent to the roadway.

1. Alaska
2. Arizona
3. Arkansas
4. California
5. Colorado
6. Connecticut
7. Delaware
8. District of Columbia
9. Florida
10. Hawaii
11. Idaho
12. Illinois
13. Indiana
14. Iowa
15. Kentucky
16. Maine

⁴ The data in this section was copied from a spreadsheet developed by Dan Gutierrez in 2009.

17. Maryland
18. Massachusetts
19. Michigan
20. Minnesota
21. Mississippi
22. Missouri
23. Montana
24. Nevada
25. New Hampshire
26. New Jersey
27. New Mexico
28. New York
29. North Carolina
30. Ohio
31. Pennsylvania
32. Rhode Island
33. South Dakota
34. Tennessee
35. Texas
36. Vermont
37. Virginia
38. Washington
39. Wisconsin
40. Wyoming

Following are states have mandatory side path laws. The following table lists the names of the states and their respective mandatory side path laws.

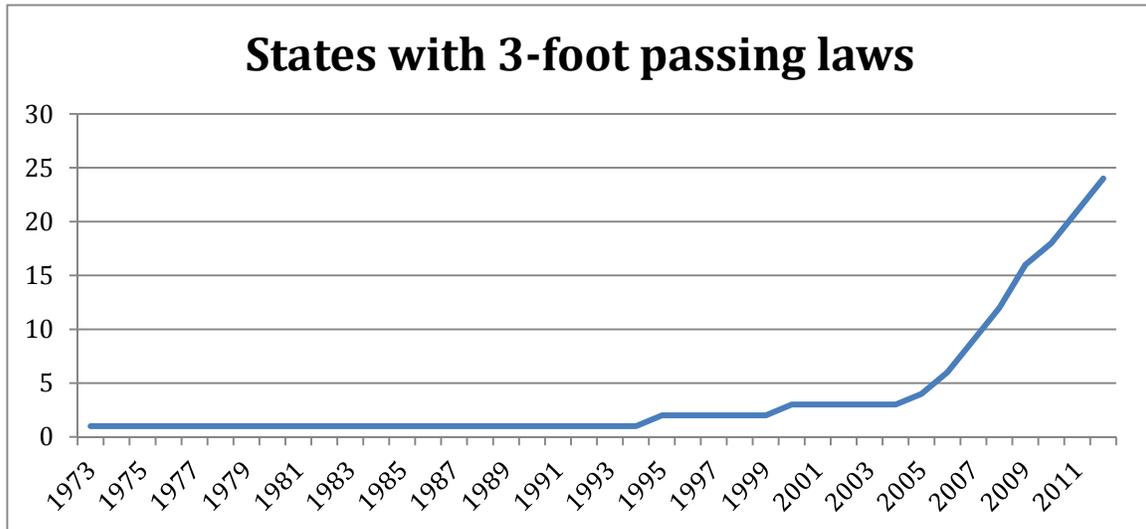
| State | Mandatory Side Path law |
|-------------------|--|
| 1. Alabama | Section 32-5A-263 Riding on roadways and bicycle paths. ... (c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. |
| 2. Georgia | 40-6-294. ...(c) Whenever a usable path has been provided adjacent to a roadway and designated for the exclusive use of bicycle riders, then the appropriate governing authority may require that bicycle riders use such path and not use those sections of the roadway so specified by such local governing authority. The governing authority may be petitioned to remove restrictions upon demonstration that the path has become inadequate due to capacity, maintenance, or other causes. (d) Paths subject to the provisions of subsection (c) of this Code section shall at a minimum be required to meet accepted |

| State | Mandatory Side Path law |
|------------------------|---|
| | guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials, and such paths shall provide accessibility to destinations equivalent to the use of the roadway. |
| 3. Kansas | 8-1590. Riding on bicycles or mopeds; riding on roadways and bicycle paths. ...(d) 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. |
| 4. Louisiana | RS 32:197 Riding on Roadways and Bicycle Paths Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. |
| 5. Nebraska | Section 60-6,317 Bicycles on roadways and bicycle paths; general rules; regulation by local authority. (3) Except as provided in section 60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway. |
| 6. North Dakota | 39-10.1-05. Riding on roadway and bicycle path. ... 3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and may not use the roadway. |
| 7. Oklahoma | §47-11-1205. (c) 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 if required by local, municipal or county ordinances. |

| State | Mandatory Side Path law |
|--------------------------|---|
| 8. Oregon | <p>814.420 Failure to use bicycle lane or path; exceptions; penalty.</p> <p>(1) Except as provided in subsections (2) and (3) of this section, a person commits the offense of failure to use a bicycle lane or path if the person operates a bicycle on any portion of a roadway that is not a bicycle lane or bicycle path when a bicycle lane or bicycle path is adjacent to or near the roadway.</p> <p>(2) A person is not required to comply with this section unless the state or local authority with jurisdiction over the roadway finds, after public hearing, that the bicycle lane or bicycle path is suitable for safe bicycle use at reasonable rates of speed.</p> <p>(3) A person is not in violation of the offense under this section if the person is able to safely move out of the bicycle lane or path for the purpose of:</p> <p>(a) Overtaking and passing another bicycle, a vehicle or a pedestrian that is in the bicycle lane or path and passage cannot safely be made in the lane or path.</p> <p>(b) Preparing to execute a left turn at an intersection or into a private road or driveway.</p> <p>(c) Avoiding debris or other hazardous conditions.</p> <p>(d) Preparing to execute a right turn where a right turn is authorized.</p> <p>(e) Continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle must turn right.</p> |
| 9. South Carolina | <p>SECTION 56-5-3430. Riding on roadways and bicycle paths.</p> <p>... Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.</p> |
| 10. Utah | <p>41-6a-1105. Operation of bicycle or moped on and use of roadway -- Duties, prohibitions.</p> <p>...(4) If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic-control device to use the path and not the roadway.</p> |
| 11. West Virginia | <p>§17C-11-5. Riding on roadways and bicycle paths.</p> <p>... (c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.</p> |

3. Amend 17C-7-3 to Create 4-Foot Passing Requirement

In the past 10 years, there has been a strong trend among states to enact laws that require a motorist to allow a definite minimum distance, usually 3-feet when passing a bicycle.



Twenty-three states plus the District of Columbia have a law that requires a motorist to allow a definite minimum distance when passing a bicycle. Most states have a 3-foot passing requirement. Pennsylvania has a 4-foot passing requirement.

The following table⁵ lists the states that have a minimum passing distance. The table also includes the date the law was enacted and a link to the law.

| State | Summary | Status | Link |
|-------------|--|--------------|---|
| 1. Arizona | HB 2625; at least 3 feet; sets fines for violation | Enacted 2000 | http://www.azleg.state.az.us/legtext/44leg/2r/laws/0276.htm |
| 2. Arkansas | HB 2511; at least 3 feet; sets fines for violation | Enacted 2007 | http://www.arkleg.state.ar.us/assembly/2007/R/Bills/HB2511.pdf |

⁵ Most of the data for this table was copied from “Three-foot passing laws in other states”, <http://gator1693.hostgator.com/~calbike/wp-content/uploads/SB-910-Three-foot-laws-in-other-states-rev-100411.pdf>

| State | Summary | Status | Link |
|-------------------------|--|--|---|
| 3. California | SB 1464; at least 3 feet. | Passed by CA assembly Aug. 27, 2012 – needs governor signature | http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1464 |
| 4. Colorado | SB 148; at least 3 feet; allows drivers to cross center line to pass; sets fines for violation | Enacted May 2009 | http://www.leg.state.co.us/Clics/CLICS2009A/csl.nsf/fsbillcont3/AE73C443E5CF13DF87257538007E0C43?Open&file=148_enr.pdf |
| 5. Connecticut | Substitute House Bill 5746; at least 3 feet | Enacted May 2008 | http://www.ct.gov/dot/LIB/dot/documents/dbikes/ThreeFootPassing.pdf |
| 6. District of Columbia | Min. 3 feet, no exceptions | Effective 2009 | http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=182202 |
| 7. Delaware | SB 168; defines 3 feet as "reasonable and prudent" passing distance; exception allows for closer passing at no more than 10 MPH below the posted speed limit | Passed June 2009 | http://legis.delaware.gov/LIS/LIS145.nsf/vwLegislation/SB+168?OpenDocument |
| 8. Florida | Chap. 316; at least 3 feet | Enacted 2006 | http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=overtak*&URL=CH0316/Sec083.HTM |
| 9. Georgia | HB 101; at least 3 feet | Enacted May 2011 | http://www.legis.ga.gov/legislation/en-US/display/32251 |

| State | Summary | Status | Link |
|-------------------|---|---|---|
| 10. Illinois | SB 0080; at least 3 feet | Effective Jan 2008 | http://ilga.gov/legislation/publicacts/fulltext.asp?Name=0950231 |
| 11. Kansas | At least 3 feet | Enacted 2011 | http://www.kslegislature.org/li/b2011_12/year1/measures/documents/hb2192_enrolled.pdf |
| 12. Louisiana | HB 725; at least 3 feet; sets fines for violation | Effective Aug. 2009 | http://www.legis.state.la.us/billdata/streamdocument.asp?did=667136 |
| 13. Maine | At least 3 feet | Enacted 2007 | http://www.mainelegislature.org/legis/statutes/29A/title29Asec2070.pdf |
| 14. Maryland | Min 3 feet passing, with exceptions when bicyclist rides wrong way or fails to "maintain a steady course" or when highway is too narrow | Enacted 2010 | http://mlis.state.md.us/2010rs/chapters_no_in/Ch_517_sb0051E.pdf |
| 15. Minnesota | At least 3 feet | Enacted 1995 | https://www.revisor.leg.state.mn.us/statutes/?id=169.18 |
| 16. Nebraska | LB 1030: at least 3 feet | Enacted April 2012 | http://uniweb.legislature.ne.gov/FloorDocs/Current/PDF/Slip/LB1030.pdf |
| 17. Nevada | SB 284: at least 3 feet | Enacted April 2011; effective Oct. 2011 | http://leg.state.nv.us/Session/76th2011/Reports/history.cfm?ID=609 |
| 18. New Hampshire | HB 1203; at least 3 feet@30 MPH or less; additional foot for every 10 MPH over 30 MPH | Enacted March 2008; effective 2009 | http://www.gencourt.state.nh.us/legislation/2008/HB1203.html |

| State | Summary | Status | Link |
|------------------|---|-------------------|---|
| 19. New York | A10697; Merrill's Law; min. 3 foot passing | Enacted Aug. 2010 | http://assembly.state.ny.us/leg/?default_fld=&bn=A10697%09%09&Summary=Y&Text=Y |
| 20. Oklahoma | HB 2926; at least 3 feet; sets fines for violation | Enacted 2006 | http://www.statewatch.com/www/OK/50R/pdf/OK50RHB02926SFS.pdf |
| 21. Pennsylvania | HB 170; at least 4 feet. | Enacted Feb. 2012 | http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2011&ind=0&body=H&type=B&BN=0170 |
| 22. Tennessee | HB 235; at least 3 feet - no exceptions | Enacted 2007 | http://state.tn.us/sos/acts/105/pub/pc0081.pdf |
| 23. Utah | Traffic Code Section 706.5; min. 3 foot passing, with "safe and reasonable" exception | Enacted 2005 | http://www.le.utah.gov/UtahCode/getCodeSection?code=41 6a 706.5 |
| 24. Wisconsin | At least 3 feet | Enacted 1973 | http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=WI:Default&d=stats&jd=346.075 |

Connecting Communities Smart Growth & Complete Transportation System

West Virginia has many challenges when planning for its future transportation needs. It is a rural state dotted with small towns and cities and a challenging geography. The rural nature of our state makes transportation a major issue for getting to work, school or obtaining services. Furthermore, public policy is lagging behind the rest of the nation and our roads, bridges, biking and pedestrian and transit infrastructure are nonexistent and/or old and in need of substantial repair.

All cities and towns benefit enormously from transportation enhancement [projects](#) and bike and pedestrian programs. With West Virginia's focus on tourism as an economic engine for growth in a state with many social needs, the trails programs are critical to our states' tax base. And while the need for quality roads exists, we need to make sure we build and repair them in a way that keeps pedestrians and cyclists safe, especially in our most rural counties.

Connecting Communities is a statewide non-profit that will provide a unifying voice for citizens, elected officials, and policy leaders to address smart growth and a complete transportation plan for our state. Our vision is ~~when feasible,~~ people [walking and ean-bicycling](#) to their neighborhood grocery store and kids [walking and ean-bicycling](#) safely to school. Let's find ways to help people lead healthier lifestyles because they can walk and bike where they live.

✳️ ■ Preferable: Our vision is all citizens walking and bicycling safely wherever they want to go in their community.

Action Plan

- Be an advocate for and a strong and informed voice for the proposed statewide bike plan. Help make this project into the economic development driver that it should be.
- Advocate for policies that encourage connectivity of [WV-West Virginia](#) communities and planned growth that takes advantage of existing resources. Advocate for policies that encourage improved health/fitness and wellness opportunities as well historic preservation and farmland protection programs.
- Expand our growing coalition of partners and allies in West Virginia in a way that brings local voices to the conversation with our elected and policy leaders to give West Virginians a wide range of transportation options.
- Be a credible voice in educating local, state and national policy makers as well as the media on Smart Growth and a complete transportation system across the state.
- Develop a plan to fund pedestrian, biking and other "complete transportation" projects. In other words, seek grants and other funding sources for collaborative projects to supplement use of federal and state transportation funds.
- Work with the [West Virginia Division of Highways](#)[Department of Transportation](#) to incorporate pedestrian and biking opportunities where practical; be the link between the [DOH-WVDOT](#) and communities and local groups.
- Create a ~~reasonable~~-[realistic](#) legislative agenda.

We plan to have our first meeting on October 13th in Flatwoods or [Bridgemont-Bridgeport](#) (I'm checking options now for video conferencing options).

Connecting Communities
Kasey Russell, Russell.kasey@gmail.com, 304.542.1994

October Traffic Commission

1) Walk Friendly Community Application data trends

According to the 1990 and 2000 Census, what percentage of residents used the following modes for their commute to work?

Question 1

Walking 1990: 19.6
Walking 2000: 16.8
Bicycling 1990: 2.0
Bicycling 2000: 1.0
Public transit 1990: 2.3
Public transit 2000: 1.6
Single-occupant vehicles 1990: 62.4
Single-occupant vehicles 2000: 64.5
Carpool 1990: 10
Carpool 2000: 9.9

Please also provide the latest walking percentage of commuting to work from the 3-year estimates of the American Community Survey:

Walking 2005-2007: n/a
Walking 2007-2009: 15.9
Public transit 2005-2007: 4.0
Public transit 2007-2009: 3.7

How many pedestrian/motor vehicle crashes were reported in each of the last five years; and how many of these crashes resulted in injuries and fatalities?

Question 2

Number of Pedestrian Motor Vehicle Crashes — 2009: 37
Number of Pedestrian Motor Vehicle Crashes — 2008: 21
Number of Pedestrian Motor Vehicle Crashes — 2007: 22
Number of Pedestrian Motor Vehicle Crashes — 2006: 22
Number of Pedestrian Motor Vehicle Crashes — 2005: 12 (7/1-12/31)

Number of Pedestrian Injuries — 2009: 23
Number of Pedestrian Injuries — 2008: 17
Number of Pedestrian Injuries — 2007: 19
Number of Pedestrian Injuries — 2006: 21
Number of Pedestrian Injuries — 2005: 11

Number of Pedestrian Fatalities — 2009: 1
Number of Pedestrian Fatalities — 2008: 0
Number of Pedestrian Fatalities — 2007: 1
Number of Pedestrian Fatalities — 2006: 0
Number of Pedestrian Fatalities — 2005: 0

2) Sidewalk conditions, data compiled by City of Morgantown and analyzed by Abildso

a. Of 7670 property segments

- i. 3,831 had a sidewalk (49.9%)
 1. 764 were of “poor” condition (19.9%)
 2. 1292 were of “fair” condition (33.7%)
 3. 1767 were of “good” condition (46.1%)
- ii. 6,581 had a curb (85.8%)
 1. 1191 were of “poor” condition (18.1%)
 2. 2177 were of “fair” condition (33.1%)
 3. 3205 were of “good” condition (48.7%)