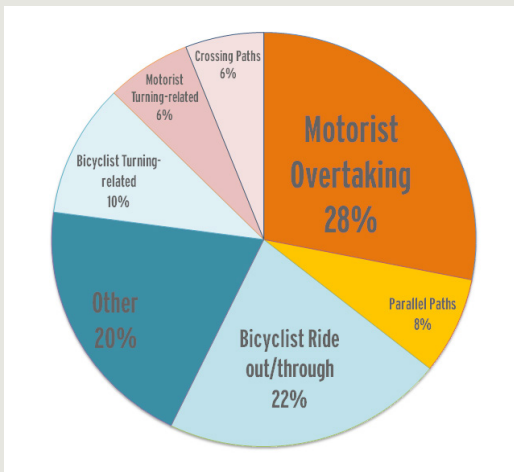




BICYCLE FRIENDLY STATE

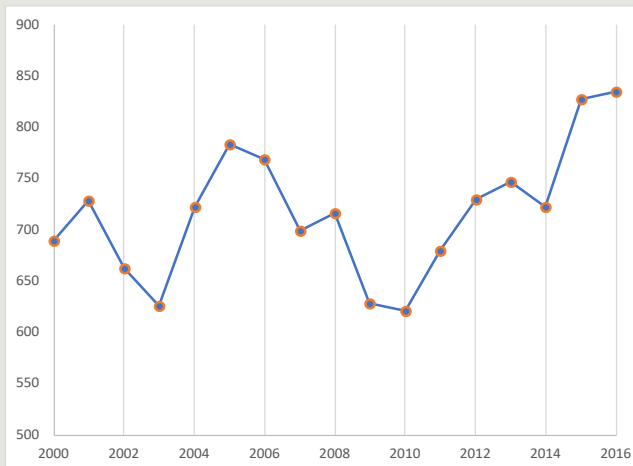
ACTION: SAFE PASSING LAW

SAFE PASSING LAWS TARGET THE MOST COMMON BEHAVIOR THAT KILLS PEOPLE WHO BIKE - UNSAFE PASSING



NHTSA Crash Types for Pedalcyclist fatalities 2014-2016

NUMBER OF ANNUAL BICYCLIST FATALITIES



NHTSA Fatality Analysis Reporting System (FARS)

THE PROBLEM

Overtaking motorists are consistently the most common cause of death for people who bike. While the specifics of each crash may be different, and overtaking crashes may be a relatively small portion of all bicycle-involved crashes, there is no denying that motorists overtaking bicyclists are a clear threat to bicyclists.

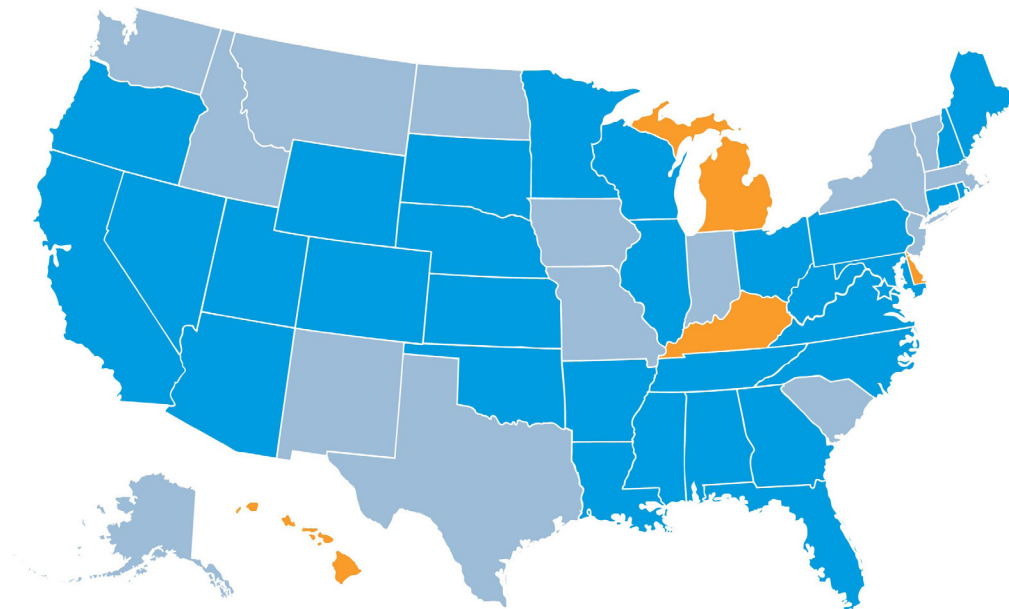
Without clear laws that specifically make it illegal to overtake a bicyclist unsafely there is no basis for law enforcement, judges, and juries to ensure that bicyclists are protected and/or compensated when they are injured due to unsafe passing.

THE SOLUTION

Safe passing laws that provide a defined distance for motorists overtaking a bicyclist are a clear response to the threat that overtaking motorists pose to bicyclists. To have maximum effect these laws should be:

1. **CLEAR** – they should define a minimum safe passing distance with an easy to remember standard that can be communicated in public signage and other public messages.
2. **ENFORCEABLE** – they should provide a consistent basis for enforcement that can be used by law enforcement officers.
3. **STATEWIDE** – they should be statewide to minimize local signage requirements and to be integrated into statewide licensing and education programs for drivers.

SAFE PASSING LAW FACTS



35 STATES have taken our Safe Passing Law Bicycle Friendly Action!

4 STATES have updated/adopted their Safe Passing Law since 2016

15 STATES lack a Safe Passing Law that meets our Bicycle Friendly Action criteria

See each state's law at bikeleague.org/bike-law-university

THE LEAGUE OF AMERICAN BICYCLISTS' MODEL LAW

When overtaking or passing a person operating a bicycle proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

- » If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or
- » If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle.

The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when prohibited under [the state's equivalent to UVC sections 11-303 (Overtaking a vehicle on the left), 11-305 (limitations on overtaking on the left), and 11-306 (further limitations on driving on left of the center of roadway).]

The collision of a motor vehicle with a person operating a bicycle is prima facie evidence of a violation of this section.

QUICK FACTS

A 2014 review of media reports by the League of American Bicyclists found that 40% of deaths with reported crash types were rear-end crashes, likely resulting from unsafe passing.

» Learn more at https://bikeleague.org/sites/default/files/EBC_report_final.pdf

Data from the Insurance Institute for Highway Safety suggests that 45% of bicyclist deaths may be due to unsafe passing. Even where no crash occurs, unsafe passing contributes to bicyclist attitudes towards safety and motor vehicles.

» Learn more at <http://www.iihs.org/iihs/sr/status-report/article/50/3/3>.

According to a 2012 survey by NHTSA, 39% of people who reported a fear for their personal safety said it was due to a motorist driving very close to them - the most common reason for fear while riding.

» Learn more at <https://one.nhtsa.gov/Driving-Safety/Research-&-Evaluation/2012-National-Survey-of-Bicyclist-and-Pedestrian-Attitudes-and-Behavior>.

IMPLEMENTING A SAFE PASSING LAW



1. DEVELOP LEGISLATIVE LANGUAGE

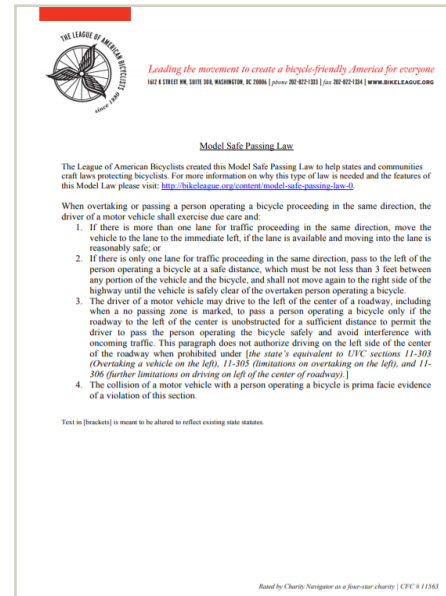
- » Use the League's model law or Bike Law University resources showing the laws of the 30 states with safe passing laws.
- » Reach out to stakeholders for feedback on your draft legislation.
- » Respond to stakeholder questions and comments to ensure support for your legislation.

2. PASS A SAFE PASSING LAW

- » Find a sponsor.
- » Introduce a bill into one or more legislative chambers.
- » Advance the bill through the appropriate committee(s).
- » Pass the bill in both chambers.
- » Have Governor sign the bill.

3. EDUCATE LAW ENFORCEMENT, PROSECUTORS, AND JUDGES ABOUT THE NEW LAW

- » Law enforcement should be educated regarding how and when to cite the law, potential proactive or high visibility education and enforcement campaigns, and how to use the law in the event of a crash.
- » Prosecutors should be educated regarding the existence of the law, how to prosecute the law – including how to prove a passing distance, and how the law fits into other charging options – such as vehicular manslaughter.
- » Judges should be educated regarding the existence of the law, the standard of proof needed to satisfy the law, and how to instruct juries about the law.



- » The League provides [model legislative language](#) as a template.



- » In 2016, Pennsylvania passed the David (Dave) Bachman Act, in memory of a PennDOT's first Bicycle/Pedestrian Coordinator, which created a license plate that identifies their 4 foot passing law. Proceeds from the plate fund bicycle safety efforts.

STAKEHOLDER EXAMPLES



RECREATIONAL BICYCLISTS

Recreational bicyclists, including bicycle clubs, often ride where there are not bicycle facilities. A safe passing law can help promote safety and awareness of bicyclists on those roads.

PARENTS

Parents are often concerned about the safety of their children while bicycling. While a safe passing law is not a substitute for proper bicycle infrastructure, it is a reassuring sign that the state believes in the importance of bicycle safety.

LAW ENFORCEMENT

Law enforcement will ultimately be responsible for enforcing and issuing citations under an adopted safe passing law. Law enforcement should be consulted early in the process of pursuing a safe passing law so that the adopted law is one they are comfortable and confident enforcing.

GOVERNOR'S HIGHWAY SAFETY OFFICE

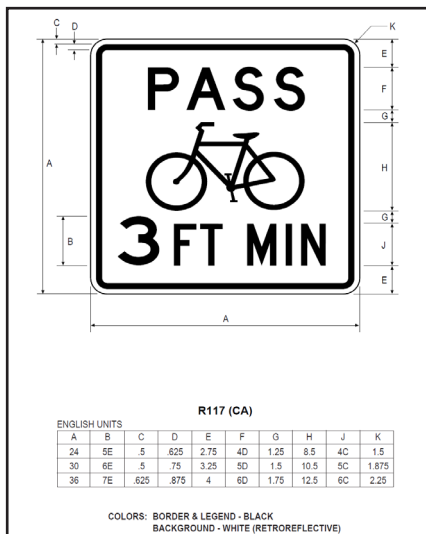
Governor's Highway Safety Offices are responsible for public education on traffic safety issues. They can be great allies in raising public awareness of a safe passing law. To learn more see ["A Right to the Road"*](#) published by the GHSA.*

IMPLEMENTING A SAFE PASSING LAW



This signage combines two MUTCD-compliant signs to convey the message that motorists must change lanes to pass a person on a bike

- » The Bicycle May Use Full Lane Sign (BMUFL) is found in the MUTCD as sign R4-11
- » “Change Lanes to Pass” is not a specific sign, but is allowed under MUTCD Section 2B.02



- » This sign is from the California MUTCD. It is referred to as sign R-117.

4. EDUCATE STATE, COUNTY, AND LOCAL TRANSPORTATION ENGINEERS AND DEPARTMENTS ABOUT THE NEW LAW

- » Guidance from the Manual on Uniform Traffic Control Devices (MUTCD) states:

“Special word message signs for the three-foot law should not be installed haphazardly and should be limited to locations where the operation of the two vehicle types is demonstrating a problem or crash history. Thus, installing these signs where say a physically-separated bikeway exists would be counterproductive to achieving the agency’s goal. An example of a special word-only message sign for this application could be a four-line black on white regulatory sign with the legend
CHANGE :: LANES :: TO PASS :: BICYCLES.”

- » Several states have adopted safe passing-related signs into their state MUTCD. The signs adopted by Florida, Utah, and California have been evaluated for inclusion in the national MUTCD and may provide a good model for your state. Please consult the Bicycle Technical Committee of the National Committee on Uniform Traffic Control Devices if you have questions about appropriate signage.
- » Education should focus on how the safe passing law complements bicycle infrastructure, when regulatory signage may be appropriate, and potential changes to the right of way that may facilitate safe passing.
 - » Many safe passing laws have limited exceptions to no-passing zones and signage may be appropriate to make drivers aware of those limited exceptions.
 - » It may be appropriate to alter lane widths, shoulder widths, or other roadway characteristics to facilitate safe passing.
 - » Bicycle infrastructure is generally preferable to regulatory signs notifying drivers of their duties towards bicyclists.

RECENT CAMPAIGN

OHIO BICYCLE FEDERATION



In 2016, the Ohio legislature passed, and the Governor signed a safe passing law for Ohio. This success came after years of hard work by the [Ohio Bicycle Federation](#) and other League of American Bicyclists' member organizations including [Bike Miami Valley](#), [Bike Cleveland](#), [Queen City Bike](#), and other advocacy organizations and clubs throughout Ohio.

The campaign for a safe passing law began in earnest in 2009 when the Ohio Bicycle Federation worked with state senator Teresa Fedor (D) from Toledo, Ohio to introduce a bill in the Senate Transportation Committee. The bill was introduced with a news conference at the end of a bike ride from her home district to the state capitol in Columbus (160 miles). Although that bill did not get a vote in the committee it set the stage for future efforts.

The Ohio Bicycle Federation continued to work on building support for a safe passing law over the years. The next step was an introduced bill in the state House of Representatives, this time by state representative Mike Henne (R) in 2011. Multiple bills followed over the next several years until HB 154 was introduced into the House of Representatives in 2015 – at which point the Ohio Bicycle Federation and other bicycle advocacy organizations and clubs began a phone and email campaign focused on the Ohio Speaker of the House to ensure that the bill came up for a vote. Phone calls were especially effective in moving the bill forward.

Ohio's safe passing law was adopted with broad bi-partisan support. The final bill had 42 co-sponsors and bi-partisan primary sponsors in Rep. Henne (R) and Rep. Sheehy (D). It was passed 30-1 in the Senate and 89-4 in the House and signed into law on December 19th, 2016 by Governor Kasich (R). It became law in March 2017 and the Ohio Bicycle Federation has been educating the public and law enforcement on the law since that time.

The League's most recent Bicycle Friendly State report card indicates that Ohio lacks two other Bicycle Friendly Actions:

1. a Complete Streets law or policy, and
2. a Statewide Bicycle Master Plan adopted within the last 10 years.

2009	Bill first introduced in Senate
2011	Bill first introduced in House
2012 - 2016	Multiple bills
2016	Bill passed and signed
2017	Law becomes active

IMPLEMENTING A SAFE PASSING LAW



5. ENFORCE THE LAW

- » The C3FT device manufactured by Codaxus has been designed to be used by law enforcement and municipalities to accurately measure the distance between a passing vehicle and a bicycle equipped with the C3FT device. This allows law enforcement officers to provide easy to understand evidence to drivers, prosecutors, and judges regarding unsafe passing.
- » Video camera equipped bicyclists can use their videos as evidence in law enforcement actions or tort cases related to an injury they suffered. In some states, the use of video evidence for law enforcement may be limited as either the law or standard law enforcement practices require that an officer observes the traffic violation in person. You should ask your local law enforcement agency whether citations or warnings can be issued based upon video evidence and what law, regulation, or adopted practice limits its consideration.



- » Video evidence collected by citizens has been used to charge drivers in some jurisdictions. Cyclistvideoevidence.com has spearheaded some of those efforts.

6. USE THE LAW AS A GUIDE FOR PLANNING ACTIVITIES

- » For municipal employees, data from the C3FT device may be useful in infrastructure planning to see where bicyclists may be more likely to experience unsafe passing.
- » A safe passing law is not a replacement or alternative to proper bicycle infrastructure, and the passage of a safe passing law should be a signal of the government's intent to make bicycling safer. Buffered or separated bicycle lanes may be effective at ensuring that bicyclists in bicycle lanes are given a safe passing distance.



- » The C3FT device by Codaxus provides a means for accurately measuring passing distance for law enforcement and planners.

CURRENT CAMPAIGN

NEW JERSEY BIKE & WALK COALITION



The [New Jersey Bike & Walk Coalition \(NJBWC\)](#) began campaigning for a [safe passing law in 2009](#). Bicycle and pedestrian safety was a chief motivation for the creation of NJBWC as 30% of traffic fatalities in New Jersey are people who bike and walk. Despite the pressing need to address bicyclist and pedestrian safety through better laws and enforcement, the story of New Jersey's safe passing law campaign highlights coalition building in response to legislator demands that are not related to safety.

Upon introduction of the 2009 bill, legislators in the state Senate asked for advocates to meet two hurdles before they would schedule a vote: 1) get the law endorsed by the state's Attorney General, and 2) get the law endorsed by the state Department of Transportation.

In 2014, NJBWC returned with a significantly revised bill based upon the state's existing "Move Over" law which requires motorists to change lanes for law enforcement and emergency personnel working on the side of a roadway. Every state currently has a ["Move Over" law](#) for law enforcement and other roadside workers. The bill introduced in 2014 was significantly broader than bicyclists, including safe passing of many vulnerable road users – in response to New Jersey's high proportion of traffic fatalities who are people outside of cars.

Throughout 2014, the bill gained momentum including satisfying the hurdles put in place in 2009 with both the state's Attorney General and state DOT supporting the bill. Together, NJBWC, working with the [Tri-State Transportation Campaign](#), gained the support of many groups, including:

- » AAA, through its regional clubs that include New Jersey.
- » AARP, whose Livable Communities program supports the efforts of neighborhoods, towns, cities and rural areas to be great places for people of all ages.
- » Bicycle Coalition of Greater Philadelphia, a League of American Bicyclists' member organization which includes areas in south New Jersey such as Camden and Trenton; and
- » New Jersey Police Traffic Officers Association, who helped NJBWC tailor its legislative language to address law enforcement concerns.

After garnering broad support and building a coalition responsive to initial legislator demands, the bill stalled because a legislator who said his constituents do not want bicycles on the road was in a position to prevent a vote. While New Jersey has not yet passed a safe passing law, the coalition built by NJBWC has set the stage for future success.

The League's most recent [Bicycle Friendly State report card](#) reiterates our support for a safe passing law in New Jersey and highlights it as one of two Bicycle Friendly Actions that New Jersey has not yet taken.

2009 1st bill introduced

2014 Broader "Move Over" Bill

2015 Bill Stalled

2018 Ready for Action

RESOURCES



MODEL LAW

The League of American Bicyclists created a model safe passing law in 2015. It is available here: <http://bikeleague.org/content/model-safe-passing-law-o>

CITATIONS FOR STATE LAWS

The League of American Bicyclists' review of state safe passing laws, including citations to each state's law: <http://bikeleague.org/content/bike-law-university>

RUTGERS UNIVERSITY REPORT ON SAFE PASSING LAWS

Report by Rutgers University about the experience of state's that have passed 3 foot passing laws, primarily based upon interviews with advocates and state officials: http://njbikeped.org/wp-content/uploads/2013/04/3-Foot-Final-Report-Draft_V7.pdf

USE OF SAFE PASSING LAW IN A CRASH

Local example of 3 foot law enforcement from the Washington area Bicyclist Association: <http://www.waba.org/blog/2015/01/dc-judge-upholds-three-foot-law-case-highlights-need-for-contrib-reform/>

POLICE USE OF C3FT DEVICE

Example of technological approach to 3 foot passing law enforcement: <http://ipmba.org/blog/comments/new-device-helps-police-enforce-state-3-foot-law>

NCSL REPORT ON SAFE PASSING LAWS

The National Conference of State Legislatures' review of current safe passing laws: <http://www.ncsl.org/research/transportation/safely-passing-bicyclists.aspx>

"FALLOVER DISTANCE" ALTERNATIVE TO 3 FOOT STANDARD

Ray Thomas' explanation of the fall over distance standard as an alternative to the 3 foot or "safe distance" standard: <https://www.youtube.com/watch?v=HHmToEN4LL8>

CALIFORNIA MUTCD SIGN GUIDANCE

The California MUTCD's 3 foot passing sign is one option pursued by the NCUTCD for nationwide adoption: <http://www.dot.ca.gov/trafficops/camutcd/docs/CAMUTCD2014-Part9.pdf>

CHANGE LANES TO PASS GUIDANCE

The City of Boston applied to the FHWA for an experimental approval of using "Bicycles May Use Full Lane" in conjunction with Change Lanes to Pass signage: https://mutcd.fhwa.dot.gov/documents/pdf/9_09_24_city_req_ltr.pdf

CHANGE LANES TO PASS EXAMPLE

The City of Columbus, Ohio uses BMUFL and Change Lanes to Pass signage: <http://road.cc/content/news/203414-us-city-replace-share-road-signs-bikes-may-use-full-lane-ones>